

2013 DRAFTING REQUEST

Senate Amendment (SA-SB406)

Received: 12/13/2013 Received By: gmalaise
Wanted: Soon Same as LRB:
For: Fred Risser (608) 266-1627 By/Representing: Terry Tuschen
May Contact: Drafter: gmalaise
Subject: Higher Education - financial aid Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Risser@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Name change of tuition grants

Instructions:

See attached--change title for tuition grants to "Wisconsin grants; WAICU member students."

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>
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FE Sent For:

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FE Sent For:

<END>

Malaise, Gordon

From: Tuschen, Terry
Sent: Thursday, December 12, 2013 4:31 PM
To: Malaise, Gordon
Cc: Tuschen, Terry
Subject: Risser amendment request to SB-406 / LRB-3345/2

Hi Gordon, I'm sorry...I thought I had sent this to you a while ago but I am perplexed that I cannot find it. Anyway, I'm attaching a memo from Rolf Wegenke and the Independent Colleges and Universitys about a proposed change to SB-406 (3345/2). The proposed change is in paragraph 2 of the memo I've attached. Basically they would like Wisconsin Grants – WAICU specifically. The supporting reasons are there also.

It seems to me that this may be somewhat unusual – but go ahead and draft it as a substitute amendment and then please add a drafter's note with any concerns or comments about this or if it breaks any precedent, etc. That will be helpful as we move forward.

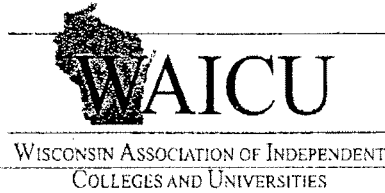
Thanks very much and let me know if you have any questions



Terry

Terry Tuschen
Office of State Senator Fred Risser
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Madison, WI 53707-7882
608.266.1627
Terry.Tuschen@legis.wisconsin.gov

ALVERNO COLLEGE
BELLIN COLLEGE
BELOIT COLLEGE
CARDINAL STRITCH UNIVERSITY
CARROLL UNIVERSITY
CARTHAGE COLLEGE
COLUMBIA COLLEGE OF NURSING
CONCORDIA UNIVERSITY
EDGEWOOD COLLEGE
LAKELAND COLLEGE
LAWRENCE UNIVERSITY
MARIAN UNIVERSITY



MARQUETTE UNIVERSITY
MEDICAL COLLEGE OF WISCONSIN
MILWAUKEE INSTITUTE OF ART & DESIGN
MILWAUKEE SCHOOL OF ENGINEERING
MOUNT MARY UNIVERSITY
NORTHLAND COLLEGE
RIPON COLLEGE
ST. NORBERT COLLEGE
SILVER LAKE COLLEGE OF THE HOLY FAMILY
VITERBO UNIVERSITY
WISCONSIN LUTHERAN COLLEGE

WISCONSIN'S PRIVATE, NONPROFIT COLLEGES AND UNIVERSITIES
WORKING TOGETHER TO ADVANCE EDUCATIONAL OPPORTUNITY

get drafted

MEMORANDUM

Date: December 4, 2013
To: Senator Fred Risser
From: Rolf Wegenke
Subject: RENAMING STATE STUDENT AID PROGRAMS (SB 406)

SB 406 proposes to rename all four of the major state student financial aid programs as "Wisconsin Grants." This is a concept WAICU supports. We believe—as did the 2012 Commission on Financial Aid Consolidation and Modernization—that renaming the programs reinforces the principle that all Wisconsin students attending a Wisconsin college or university, regardless of sector should be treated equitably.

The Commission report states, "The Commission recommends re-naming the WTG and WHEG programs so that these grant programs share the same name; that an acronym suffix be retained to designate which sector is being referred to as the Wisconsin Grant-UW, Wisconsin Grant-WTCS, **Wisconsin Grants-WAICU**, Wisconsin Grant-Tribal Colleges; and that the current system of separate formulae and appropriations be retained. The Commission also supported continuation of the current process of establishing formulae for each sector's grant program, with the UW, WTCS, WAICU, and Tribal Colleges making an annual recommendation to the HEAB Board, and the HEAB Board making the decision on formula construction for each sector's grants." The current bill draft departed from the Commission recommendation. Instead of "Wisconsin Grants-WAICU," the draft says, "Wisconsin grants-private, nonprofit colleges." We urge using the Commission's language for the following four reasons:

1. Increasingly, proprietary or for-profit institutions are calling themselves "private." The Commission report unanimously rejected State of Wisconsin funding for proprietary or for-profit schools. The Commission also included substantial documentation in its report in support of this conclusion. The current draft opens the door for the very confusion which the Commission attempted to prevent.
2. Elsewhere in the bill draft, a "private college" is defined as a nonprofit institution. However, just referring to nonprofit status is insufficient given that there are not-for-profit colleges (for example, Upper Iowa University) from out-of-state who have sought

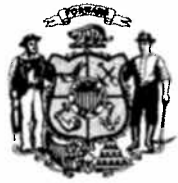
to steer Wisconsin student aid into their coffers. No state in the United States allows out-of-state, nonprofit institutions to participate in their student grant programs. The current language, inadvertently, opens the door to outcomes none of us would desire.

3. The Higher Educational Aids Board (HEAB) statutes currently establish an explicit role for WAICU by name. For example, current state law specifies that, "By April 10, 1998, and annually thereafter, the Wisconsin Association of Independent Colleges and Universities shall develop and submit to the board for its review under sub. (1) a proposed formula for the awarding of grants under s. 39.30 for the upcoming academic year to students enrolled at private institutions of higher education."
4. The Legislature and the Governor have repeatedly recognized WAICU by name in statute and Executive Order: (ss. 15.107(25m)(c), 15.377(9), 15.67, 16.979(3), 36.31(2m)(a)1, 36.31(2m)(a)3, 38.50, 39.285, 39.437(4)(a), and 115.297) and 2011 Governor's Executive Order # 37, 2012 Governor's Executive Order #59, and 2013 Governor's Executive Order #97. Not using the term, WAICU, when the terms UW or WTCS are used would break with precedent and potentially subvert equitable treatment and create confusion as outlined in the three points above. There are also other precedents for naming state programs and facilities after specific individuals and organizations. For example, the Knowles-Nelson Stewardship Fund, and the 32nd Division Memorial Highway (named after the Red Arrow Division).

I urge that this simple, but critically important, amendment (substituting Wisconsin grants-WAICU for Wisconsin grants-private, nonprofit colleges) be submitted for adoption in committee.

Please let us know if we can be helpful.

C: Representative Joan Ballweg
John Reinemann



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1338/?

GMM.....

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SENATE AMENDMENT,
TO SENATE BILL 406

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 2: delete "private, nonprofit college" and substitute "Wisconsin
3 Association of Independent Colleges and Universities member".

4 2. Page 7, line 19: delete "**private, nonprofit college**" and substitute
5 "**Wisconsin Association of Independent Colleges and Universities member**".

6 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1338/1dn

GMM.j...:....

Heev

date

Senator Risser:

△

Independent

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

1. Our Drafting Manual permits us to use an acronym in the text of a proposal only if the acronym is so widely used that readers are more likely to recognize the acronym than the full term, for example, HIV and AIDS. You and I are well familiar with the acronym "WAICU," but the general reader is not. Accordingly, this amendment uses the full term, "Wisconsin Association of Colleges and Universities," and not the acronym "WAICU."

2. Section 990.001 (6), stats., provides that the titles of statutes are *not* part of the statutes. As such, the titles amended in this amendment are not legally binding, so HEAB can call the grants "Wisconsin grants" ^{WAICU} regardless of what those titles say. If WAICU is concerned about out-of-state or for-profit institutions obtaining grants under s. 39.30, then a substantive change to the statutes or HEAB rules, and not a mere name change, would be necessary.

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

LRBa1338/1dn
GMM:eev:rs

December 16, 2013

Senator Risser:

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

1. Our Drafting Manual permits us to use an acronym in the text of a proposal only if the acronym is so widely used that readers are more likely to recognize the acronym than the full term, for example, HIV and AIDS. You and I are well familiar with the acronym "WAICU," but the general reader is not. Accordingly, this amendment uses the full term, "Wisconsin Association of Independent Colleges and Universities," and not the acronym "WAICU."
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Gordon M. Malaise
Senior Legislative Attorney
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E-mail: gordon.malaise@legis.wisconsin.gov