

**2015 DRAFTING REQUEST**

**Bill**

Received: 1/26/2015 Received By: mgallagh  
Wanted: As time permits Same as LRB:  
For: Dianne Hesselbein (608) 266-5340 By/Representing: Denise Stromme  
May Contact: Drafter: agary  
Subject: Higher Education - tech. college Addl. Drafters:  
Higher Education - UW System Extra Copies: MDK

Submit via email: YES  
Requester's email: Rep.Hesselbein@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Resident tuition for nonresident veterans; institution enrollment date for eligibility; veterans item 9.

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**Instructions:**

See attached

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**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>
/?	agary 2/13/2015			_____			
/P1	agary 2/24/2015	jdyer 2/24/2015	rschluet 2/24/2015	_____	mbarman 2/20/2015		State S&L
/1				_____	mbarman 2/24/2015	mbarman 2/24/2015	State S&L

FE Sent For:

*at intro*  
*4/23/15*

<END>

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/P1	agary 2/24/2015	jdyer 2/24/2015	rschluet 2/24/2015	_____	mbarman 2/20/2015		State S&L
/1				_____	mbarman 2/24/2015		State S&L

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Requester's email: **Rep.Hesselbein@legis.wisconsin.gov**  
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

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**Topic:**

Resident tuition for nonresident veterans; institution enrollment date for eligibility; veterans item 9.

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 2/13/2015	1 2/24 jld		_____			
/P1		jdyer 2/20/2015	jfrantze 2/20/2015	_____	mbarman 2/20/2015		State S&L

FE Sent For:

*[Handwritten signature]*  
2/24/15  
**<END>**

*[Handwritten note in a circle:]*  
PAs:  
Please jacket  
the //.  
Thv. ARG

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---

**Pre Topic:**

No specific pre topic given

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**Topic:**

✓ Resident tuition for nonresident veterans; institution enrollment date for eligibility; veterans item 9.

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**Instructions:**

See attached

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**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>
/?	agary	PI 2/20 jld	Ab 2	Jm 20			

FE Sent For:

<END>

## Gary, Aaron

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**From:** Gary, Aaron  
**Sent:** Tuesday, February 10, 2015 1:33 PM  
**To:** Stromme, Denise  
**Subject:** RE: Veterans Bills

Hi Denise,

I am working on item 9. below, which I have entered as LRB-1456. After much searching, I am unable to find the statutory context for this change. In particular, I cannot figure out what program is being referred to by the phrase "start the 3 years ...." in the email below. Is it the veterans tuition reimbursement program under s. 45.20 (which seems to have a limit of 2 semesters, 4 semesters, or 8 semesters, depending on the veteran's circumstances)? I would greatly appreciate any additional details you can provide to help me understand how you want current law changed.

Thank you. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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**From:** Stromme, Denise  
**Sent:** Thursday, January 22, 2015 1:53 PM  
**To:** Gallagher, Michael  
**Subject:** Veterans Bills

9. The University of Wisconsin starts Veterans Tuition from the day they pay their deposit but not all schools do. Change the law to require all schools start the 3 years when they pay their deposit.

Thank you in advance for any assistance you may be able to provide.

If you have any questions, Dianne is available to speak with you at any time.

*Denise Stromme*  
*Office of Representative Dianne Hesselbein*  
*Rm. 9-North, State Capitol*  
608-266-5340

**Gary, Aaron**

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**From:** Rep.Hesselbein  
**Sent:** Thursday, February 12, 2015 10:19 AM  
**To:** Gary, Aaron  
**Subject:** FW: Fed Law, veterans charged resident tuition  
**Attachments:** 702 tuition rate.docx

Please see the attached information.

*response to my 2/10 email*

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**From:** John Bechtol [<mailto:john.bechtoll@wisc.edu>]  
**Sent:** Wednesday, January 21, 2015 4:05 PM  
**To:** Rep.Hesselbein  
**Subject:** Fed Law, veterans charged resident tuition

Dianne,

1. VA Link to fact sheet about the federal

bill: [http://www.benefits.va.gov/GIBILL/docs/factsheets/Section\\_702\\_Factsheet.pdf](http://www.benefits.va.gov/GIBILL/docs/factsheets/Section_702_Factsheet.pdf)

2. Attachment (*702 Tuition rate*), we got the name from "section 702" of the federal bill. We provided this document to UW System five weeks ago to assist them in developing their policy.

a. The blue writing is the minimum required to meet federal law.

b. The purple writing lists additional clarifications and student benefits that UW-Madison would like to see included in UWS guidelines.

3. Joe Rasmussen and I would've preferred the legislature adjust the state statute governing residency for tuition. [http://registrar.wisc.edu/wisconsin\\_statute.htm](http://registrar.wisc.edu/wisconsin_statute.htm) . However, UW System made the decision to instead manage it internally by creating a new separate tuition category (there are currently three tuition categories: resident, non-resident and Minnesota.) A written policy is needed to standardize interpretation of the federal bill, such as "enrollment date," among the UW schools (and hopefully the Tech Colleges also.)

John Bechtol  
Office direct: (608) 890-2701



# “702” Tuition Rate

<b>Service Member</b>	<b>Dependent/Spouse</b>
Eligible with Chapter 33 or 30	Chapter 33 or Fry Scholarship <i>-3 year limit does not apply for Fry Scholarship recipients. Student always eligible for 702 rate as long as initial enrollment using Fry Scholarship</i>
Within 3 years of discharge <i>-“Date of enrollment” is date enrollment deposit is paid to University</i>	Within 3 years of discharge <i>-“Date of enrollment” is date enrollment deposit is paid to University</i> <i>-Student still receives 702 rate if service member is still on active duty</i>
Eligible if continuously enrolled at same school <i>-Include any UW or WI Tech</i> <i>-No more than a two semester break at the same degree level (i.e. undergraduate)</i>	Eligible if continuously enrolled at same school <i>-Include any UW or WI Tech</i> <i>-No more than a two semester break at the same degree level (i.e. undergraduate)</i>
Assessed tuition rate equal to instate tuition rate	Assessed tuition rate equal to instate tuition rate
Using UWS guidelines, each campus is responsible for determining a student’s 702 tuition eligibility	Using UWS guidelines, each campus is responsible for determining a student’s 702 tuition eligibility
Tuition rate continues as long as student continually enrolled at institution even though benefit exhausted.	Tuition rate continues as long as student continually enrolled at institution even though benefit exhausted.
Living in the State of WI while attending <i>-Except when participating in institutionally sponsored programs, such as internships, co-op, study abroad</i>	Living in the State of WI while attending <i>-Except when participating in institutionally sponsored programs, such as internships, co-op, study abroad</i>



## EDUCATION AND TRAINING



## VETERANS ACCESS, CHOICE AND ACCOUNTABILITY ACT OF 2014

### SECTION 702 OF THE CHOICE ACT

Section 702 of the Veterans Access, Choice and Accountability Act of 2014 (“Choice Act”), requires VA to disapprove programs of education for payment of benefits under the Post-9/11 GI Bill and Montgomery GI Bill-Active Duty at public institutions of higher learning if the schools charge qualifying Veterans and dependents tuition and fees in excess of the rate for resident students for terms beginning after July 1, 2015.

These new requirements will ensure that our Nation’s recently discharged Veterans, and their eligible family members, will not have to bear the cost of out-of-state charges while using their well-deserved education benefits.

### **DO PUBLIC SCHOOLS HAVE TO OFFER IN-STATE RATES TO ALL VETERANS AND DEPENDENTS TO MEET THE REQUIREMENTS OF SECTION 702?**

No. To remain approved for VA’s GI Bill programs, schools must charge in-state tuition and fee amounts to “covered individuals.” A “covered individual” is defined in the Choice Act as:

- A Veteran who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more.
- A spouse or child using transferred benefits who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within 3 years of the transferor’s discharge from a period of active duty service of 90 days or more.
- A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of the Servicemember’s death in the line of duty following a period of active duty service of 90 days or more.



*Note: Individuals who initially meet the requirements above will maintain “covered individual” status as long as they remain continuously enrolled at the institution of higher learning, even if they are outside the 3-year window or enroll in multiple programs.*

**WHAT HAPPENS IF A STATE DOES NOT OFFER IN-STATE TUITION AND FEES TO ALL “COVERED INDIVIDUALS”?**

The law requires VA to disapprove programs of education for everyone training under the Post-9/11 GI Bill and the Montgomery GI Bill –Active Duty (MGIB-AD) if in-state tuition and fees are not offered to all “covered individuals.”

**WHAT STEPS MUST BE TAKEN TO ENSURE THAT VETERANS AND THEIR FAMILY MEMBERS CAN RECEIVE VA GI BILL BENEFITS AT PUBLIC SCHOOLS IN MY STATE?**

States must ensure all public institutions of higher learning offering VA-approved programs charge in-state tuition and fees to “covered individuals” as described, to include same-sex spouses and children (biological, adopted, pre-adoptive, and stepchildren of same-sex spouses) after July 1, 2015. To ensure compliance, States should consider offering in-state tuition and fees to all individuals eligible for benefits under the Post-9/11 and MGIB-AD programs.

**WHEN DO STATES HAVE TO MEET THESE REQUIREMENTS?**

Public institutions must offer in-state tuition and fees to all “covered individuals” for Veterans and family members to be eligible to receive GI Bill benefits for training beginning after July 1, 2015. VA will not issue payments for any students eligible for the Post-9/11 GI Bill or the MGIB-AD until the school becomes fully compliant. VA is in the process of developing waiver criteria for States that are actively pursuing changes to comply with these provisions. More information regarding the waiver criteria will be included in a regulation published in the Federal Register.

**IF MY SCHOOL BECOMES COMPLIANT AFTER JULY 1, 2015, WHEN WILL VA BEGIN ISSUING PAYMENTS?**

VA will not issue payments under the Post-9/11 GI Bill and MGIB-AD for all students in terms beginning after July 1, 2015, if the requirements of Section 702 are not met, unless a waiver is granted. If the in-state tuition and fee policies are brought into compliance with the requirements after July 1, 2015, and no waiver was previously granted, VA will begin making payments for terms, quarters, or semesters that begin on or after the date that the compliant policies take effect.

**WHERE CAN I GO TO GET MORE INFORMATION?**

Questions regarding the provisions of Section 702 may be submitted to [Section702.Vbavaco@va.gov](mailto:Section702.Vbavaco@va.gov). VA will provide updates on its website at [www.benefits.va.gov/gibill](http://www.benefits.va.gov/gibill).





## Wisconsin Statute

### RESIDENCE QUICK LINKS

[Appealing the Non-Resident Status](#)  
[Documentation of Physical Presence](#)  
[Residence for Tuition Contact Information](#)  
[Residence Frequently Asked Questions](#)  
[Residency Forms](#)  
[Wisconsin Statute](#)

### QUICK LINKS

[Demos & Tutorials](#)  
[Graduation and Commencement](#)  
[Schedule of Classes](#)  
[Tuition & Fees](#)  
[Veteran Services and Military Assistance](#)

### CONTACT INFORMATION

University of Wisconsin-Madison  
 Office of the Registrar  
 333 East Campus Mall #10101  
 Madison, WI 53715-1384



Follow @UWMad\_Registrar

### EXTRACT FROM SECTION 36.27(2), WISCONSIN STATUTES OF 2011 RELATING TO EXEMPTION FROM NONRESIDENT TUITION AT THE UNIVERSITY OF WISCONSIN - MADISON

36.27(2)(a) Students qualifying under any of the following categories, while they continue to be residents of this state, are entitled to exemption from nonresident tuition but not from incidental or other fees:

1. Any adult student who has been a bona fide resident of the state for 12 months next preceding the beginning of any semester or session for which such student registers at an institution.
2. Any minor student, if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at an institution.
3. Any adult student who is a dependent of his or her parents under 26 USC 152(a), if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at an institution.
4. Any minor student who has resided substantially in this state during the years of minority and at least 12 months next preceding the beginning of any semester or session for which such student registers at an institution.
5. Any minor student under guardianship in this state whose legal guardian has been a bona fide resident of this state for at least 12 months next preceding the beginning of any semester or session for which such student registers at an institution.
6. Any adult student who has been employed as a migrant worker for at least 2 months each year for 3 of the 5 years next preceding the beginning of any semester or session for which the student registers at an institution, or for at least 3 months each year for 2 of the 5 years next preceding the beginning of any semester or session for which the student registers at an institution, any adult student whose parent or legal guardian has been so employed while the student was a minor and any minor student whose parent or legal guardian has been so employed. In this subdivision, "migrant worker" has the meaning specified in s. 103.90(5).

36.27(2)(am) Any person who is a refugee, as defined under 8 USC 1101(a)(42), who moved to this state immediately upon arrival in the United States and who has resided in this state continuously since then is entitled to the exemption under par. (a) if he or she demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e).

#### 36.27(2)(b)

1. Nonresident members of the armed forces and persons engaged in alternative service who are stationed in this state on active duty and their spouses and children are entitled to the exemption under par. (a) during the period that such persons are stationed in this state.
2. Members of the armed forces who reside in this state and are stationed at a federal military installation located within 90 miles of the borders of this state, and their spouses and children, are entitled to the exemption under par. (a).
3. Nonresident persons who served in active duty in the U.S. armed forces for at least 10 years, who were honorably discharged from such service within 4 years before registering at an institution, and who filed state income tax returns for at least 8 of the last 10 years of active duty in the U.S. armed forces, and their spouses and children are entitled to the exemption under par. (a).
4. A person who was a resident of this state at the time of entry into active duty, who is a resident of and living in this state at the time of registering at an institution, and who is a veteran, as defined in s. 45.01(12), is entitled to the exemption under par. (a).

36.27(2) (c) Any student who is a graduate of a Wisconsin high school and whose parents are bona fide residents of this state for 12 months next preceding the beginning of any semester or session for which the student registers at an institution or whose last surviving parent was a bona fide resident of this state for the 12 months preceding death is entitled to the exemption under par. (a).

36.27(2) (cm) Any person continuously employed full time in this state, who was relocated to this state by his or her current employer or who moved to this state for employment purposes and accepted his or her current employment before applying for admission to an institution and before moving, and the spouse and dependents of any such person, are entitled to the exemption under par. (a) if the student demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e). In this paragraph, "dependents" has the meaning given in 26 USC 152(a).

36.27(2) (d) Any person who has not been a bona fide resident of the state for 12 months next preceding the beginning of any semester or session for which such person registers at an institution, except as provided in this subsection, is not exempt from the payment of the nonresident tuition.

36.27(2) (e) In determining bona fide residence at the time of the beginning of any semester or session and for the preceding 12 months the intent of the person to establish and maintain a permanent home in Wisconsin is determinative. In addition to representations by the student, intent may be demonstrated or disproved by factors including, but not limited to, timely filing of a Wisconsin income tax return of a type that only full-year Wisconsin residents may file, voter registration in Wisconsin, motor vehicle registration in Wisconsin, possession of a Wisconsin operator's license, place of employment, self-support, involvement in community activities in Wisconsin, physical presence in Wisconsin for at least 12 months preceding the beginning of the semester or session for which the student registers, and, if the student is not a U.S. citizen, possession of a visa that permits indefinite residence in the United States. Notwithstanding par. (a), a student who enters and remains in this state principally to obtain an education is presumed to continue to reside outside this state and such presumption continues in effect until rebutted by clear and convincing evidence of bona fide residence.

(2m) APPEALS. Any body designated by the board to determine nonresident tuition exemptions under sub. (2) may require a student who has been granted such an exemption to submit information from which the body may determine the student's eligibility for the exemption, the student's eligibility for a different exemption or the student's residency status.



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1456/P1  
ARG:.....

wanted  
by Fri, 2/20

in  
2/13

↑ jld

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

B - Note

4 Gen

1 AN ACT ...; relating to: resident fees for nonresident veterans and eligible  
2 spouses and children enrolled in the University of Wisconsin System or a  
3 technical college. ✓

item

*Analysis by the Legislative Reference Bureau*

~~INSERT ANAL-A~~

above,

INSERT ANAL-A ✓

For purposes of 1), the date of enrollment is the date on which the student's fees deposit is received.

~~INSERT ANAL-B~~

INSERT ANAL-B ✓

Current law allows the Board of Regents of the University of Wisconsin (UW) System to charge different tuition rates to resident and nonresident students. In general, to receive resident student tuition, an adult student must have been a bona fide Wisconsin resident for at least 12 months before the semester of enrollment begins and the student's presence in Wisconsin principally to obtain an education does not count toward this 12-month residency period. However, current law also includes nonresident tuition exemptions under which certain nonresidents pay resident tuition rates, including the following exemptions for members of the armed forces and veterans: 1) nonresident members of the armed forces and persons engaged in alternative service who are stationed in this state on active duty, and their spouses and children, are entitled to an exemption while stationed in this state; 2) nonresident persons who served in active duty in the armed forces for at least ten years, who were honorably discharged within four years before applying at an institution, and who meet other criteria, and their spouses and children, are entitled to an exemption; and 3) a veteran meeting certain criteria who was a resident of this

state at the time of entry into active duty and who resides in this state at the time of registration is entitled to an exemption.

This bill specifies that, for purposes of determining the date of enrollment of a student under federal law relating to resident tuition for nonresident veterans, the Board of Regents must consider the date of enrollment at a UW Sytem institution to be the date on which the student's academic fees deposit or tuition deposit is received.

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

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

1           **SECTION 1.** 36.27 (2) (b) 5. of the statutes is created to read:

2           36.27 (2) (b) 5. In implementing the provisions of this paragraph and 38 USC  
3           3679, for purposes of determining whether a student is a covered individual under  
4           38 USC 3679 (c) (2) (A), the board shall consider the date of enrollment at an  
5           institution to be the date on which the student's academic fees deposit or tuition  
6           deposit is received.

INSERT  
A

~~INSERT A~~

7  
8           (d) In determining whether a student is a covered individual under this  
9           subsection, the district boards shall consider the date of enrollment at a technical  
10          college for purposes of 38 USC 3679 (c) (2) (A) to be the date on which the student's  
11          fees deposit is received.

~~INSERT B~~

INSERT  
B

12  
13          **SECTION 2. Initial applicability.**

14          (1) This act first applies to students enrolled for the first semester or session  
15          beginning after the effective date of this subsection.

16

(END)

J-Note



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1180/2  
ARG:jld:jf

**FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION**

INSERT

the Department of Veterans Affairs

1

~~AN ACT relating to:~~

*Analysis by the Legislative Reference Bureau*

Technical College System (TCS)

Under current law, the TCS Board establishes program fees that the technical college districts must charge students. With exceptions, the fees for nonresidents are 150 percent of the fees for residents. The TCS Board must establish procedures to determine the residence of students attending technical colleges, but statutes specify that certain students must be considered residents of this state, including veterans verified by DVA as being residents for purposes of receiving specified benefits. Current law also provides for full fee remission at technical colleges for certain resident veterans and qualifying family members under certain circumstances.

This bill requires technical college districts to charge resident fees to: 1) a veteran living in this state, regardless of whether the veteran is a resident, if the veteran was discharged or released from at least 90 days of active service within the three years before the date of enrollment in the technical college; and 2) the veteran's spouse or child, living in this state, who is eligible for certain federal benefits by virtue of his or her relationship to the veteran. After a veteran or qualifying spouse or child is enrolled at a technical college, the technical college district must continue

insert ANAC-A

insert ANAC-B (no A)

ANAC-A/C  
CR



to charge resident fees for as long as the veteran or spouse or child is continuously enrolled. *(end ins Anal-B)*

~~For further information see the **state and local** 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.** 38.24 (3) (a) <sup>✓</sup> of the statutes is amended to read:

38.24 (3) (a) ~~For~~ Except as provided in sub. (3m),<sup>✓</sup> for all students who are not residents of this state, nor subject to reciprocal agreements with the board, annually the board shall establish a fee based on 150 percent of program fees established under sub. (1m) (a) and (b).

**SECTION 2.** 38.24 (3m) <sup>✓</sup> of the statutes is created to read:

38.24 (3m) <sup>✓</sup> **NONRESIDENT FEE EXEMPTION FOR VETERANS AND THEIR SPOUSES AND CHILDREN.** (a) In this subsection, "covered individual" <sup>✓</sup> has the meaning given in 38 USC 3679 (c) (2).

(b) The district boards shall charge covered individuals living in this state the fees established under sub. (1m) (a) and (b).<sup>✓</sup>

(c) After a covered individual living in this state is enrolled at a technical college and is charged fees in accordance with par. (b),<sup>✓</sup> fees established in accordance with this subsection, rather than sub. (3) (a),<sup>✓</sup> shall continue to be charged to the covered individual for as long as the covered individual is continuously enrolled at the technical college.<sup>✓</sup> *(end ins A)*

<sup>✓</sup> (e) <sup>✓</sup> (d) This subsection does not affect any other fee exemption or fee remission for which a covered individual may be eligible under this section. *(end ins B)*

**SECTION 2. Initial applicability;**

*insert ANAL cont'd*

*insert A*

*insert B*

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

LRB-1456/P1dn

ARG:K:...

date

Jld

Please review the attached draft carefully to ensure that it is consistent with your intent.

My understanding of the intent of this draft is to provide clarification with respect to section 702 of the federal Veterans Access, Choice and Accountability Act of 2014<sup>✓</sup> ("Choice Act"), P.L. 104-201, enacted as 38 USC 3679. The Choice Act<sup>✓</sup> provides penalties for public institutions of higher education if they do not provide resident tuition for certain nonresident veterans and their families.<sup>✓</sup>

Provisions of current law enacted before the Choice Act allow the Board of Regents to provide a nonresident tuition exemption for certain service members and veterans. See s. 36.27 (2) (b).<sup>✓</sup> I believe these provisions are being used to implement the Choice Act. However, because the provisions were enacted before the Choice Act, the provisions are not well-tailored to the federal law under 38 USC 3679 (c). This makes the provision in the attached draft, created s. 36.27 (2) (b) 5.,<sup>✓</sup> a bit awkward.

Because there is no provision under current law allowing technical colleges to implement the Choice Act, I created s. 38.24 (3m)<sup>✓</sup> to do so and then added a clarification relating to the date of enrollment.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary  
Senior Legislative Attorney  
(608) 261-6926  
aaron.gary@legis.wisconsin.gov

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

LRB-1456/P1dn  
ARG:jld:jf

February 20, 2015

Please review the attached draft carefully to ensure that it is consistent with your intent.

My understanding of the intent of this draft is to provide clarification with respect to section 702 of the federal Veterans Access, Choice and Accountability Act of 2014 ("Choice Act"), P.L. 104-201, enacted as 38 USC 3679. The Choice Act provides penalties for public institutions of higher education if they do not provide resident tuition for certain nonresident veterans and their families.

Provisions of current law enacted before the Choice Act allow the Board of Regents to provide a nonresident tuition exemption for certain service members and veterans. See s. 36.27 (2) (b). I believe these provisions are being used to implement the Choice Act. However, because the provisions were enacted before the Choice Act, the provisions are not well-tailored to the federal law under 38 USC 3679 (c). This makes the provision in the attached draft, created s. 36.27 (2) (b) 5., a bit awkward.

Because there is no provision under current law allowing technical colleges to implement the Choice Act, I created s. 38.24 (3m) to do so and then added a clarification relating to the date of enrollment.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary  
Senior Legislative Attorney  
(608) 261-6926  
aaron.gary@legis.wisconsin.gov

**Gary, Aaron**

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**From:** Basford, Sarah  
**Sent:** Tuesday, February 24, 2015 9:25 AM  
**To:** Gary, Aaron  
**Subject:** FW: Draft review: LRB -1456/P1 Topic: Resident tuition for nonresident veterans; institution enrollment date for eligibility; veterans item 9.

Hi Aaron: Could you re draft this so we can jacket it? Thanks!

**Sarah Basford**

**Senior Program Assistant**  
Legislative Reference Bureau  
1 East Main St., Suite 200  
Madison, WI 53703  
(608) 266-3561

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**From:** Rep.Hesselbein  
**Sent:** Tuesday, February 24, 2015 9:20 AM  
**To:** LRB.Legal  
**Subject:** RE: Draft review: LRB -1456/P1 Topic: Resident tuition for nonresident veterans; institution enrollment date for eligibility; veterans item 9.

Please Jacket for the Assembly

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**From:** LRB.Legal  
**Sent:** Friday, February 20, 2015 11:50 AM  
**To:** Rep.Hesselbein  
**Subject:** Draft review: LRB -1456/P1 Topic: Resident tuition for nonresident veterans; institution enrollment date for eligibility; veterans item 9.

**Following is the PDF version of draft LRB -1456/P1 and drafter's note.**



2015 Billin  
2/24

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

No changes

X

Regen

1 AN ACT *to amend* 38.24 (3) (a); and *to create* 36.27 (2) (b) 5. and 38.24 (3m) of  
2 the statutes; **relating to:** resident fees for nonresident veterans and eligible  
3 spouses and children enrolled in the University of Wisconsin System or a  
4 technical college.

***Analysis by the Legislative Reference Bureau***

Under current law, the Technical College System (TCS) Board establishes program fees that the technical college districts must charge students. With exceptions, the fees for nonresidents are 150 percent of the fees for residents. The TCS Board must establish procedures to determine the residence of students attending technical colleges, but statutes specify that certain students must be considered residents of this state, including veterans verified by the Department Veterans Affairs as being residents for purposes of receiving specified benefits. Current law also provides for full fee remission at technical colleges for certain resident veterans and qualifying family members under certain circumstances.

This bill requires technical college districts to charge resident fees to: 1) a veteran living in this state, regardless of whether the veteran is a resident, if the veteran was discharged or released from at least 90 days of active service within the three years before the date of enrollment in the technical college; and 2) the veteran's spouse or child, living in this state, who is eligible for certain federal benefits by virtue of his or her relationship to the veteran.

For purposes of item 1), above, the date of enrollment is the date on which the student's fees deposit is received. After a veteran or qualifying spouse or child is

enrolled at a technical college, the technical college district must continue to charge resident fees for as long as the veteran or spouse or child is continuously enrolled.

Current law allows the Board of Regents of the University of Wisconsin (UW) System to charge different tuition rates to resident and nonresident students. In general, to receive resident student tuition, an adult student must have been a bona fide Wisconsin resident for at least 12 months before the semester of enrollment begins and the student's presence in Wisconsin principally to obtain an education does not count toward this 12-month residency period. However, current law also includes nonresident tuition exemptions under which certain nonresidents pay resident tuition rates, including the following exemptions for members of the armed forces and veterans: 1) nonresident members of the armed forces and persons engaged in alternative service who are stationed in this state on active duty, and their spouses and children, are entitled to an exemption while stationed in this state; 2) nonresident persons who served in active duty in the armed forces for at least ten years, who were honorably discharged within four years before applying at an institution, and who meet other criteria, and their spouses and children, are entitled to an exemption; and 3) a veteran meeting certain criteria who was a resident of this state at the time of entry into active duty and who resides in this state at the time of registration is entitled to an exemption.

This bill specifies that, for purposes of determining the date of enrollment of a student under federal law relating to resident tuition for nonresident veterans, the Board of Regents must consider the date of enrollment at a UW System institution to be the date on which the student's academic fees deposit or tuition deposit is received.

For further information see the *state and local* 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:***

1           **SECTION 1.** 36.27 (2) (b) 5. of the statutes is created to read:

2           36.27 (2) (b) 5. In implementing the provisions of this paragraph and 38 USC  
3           3679, for purposes of determining whether a student is a covered individual under  
4           38 USC 3679 (c) (2) (A), the board shall consider the date of enrollment at an  
5           institution to be the date on which the student's academic fees deposit or tuition  
6           deposit is received.

7           **SECTION 2.** 38.24 (3) (a) of the statutes is amended to read:

1           38.24 (3) (a) ~~For~~ Except as provided in sub. (3m), for all students who are not  
2 residents of this state, nor subject to reciprocal agreements with the board, annually  
3 the board shall establish a fee based on 150 percent of program fees established  
4 under sub. (1m) (a) and (b).

5           **SECTION 3.** 38.24 (3m) of the statutes is created to read:

6           **38.24 (3m) NONRESIDENT FEE EXEMPTION FOR VETERANS AND THEIR SPOUSES AND**  
7 **CHILDREN.** (a) In this subsection, “covered individual” has the meaning given in 38  
8 USC 3679 (c) (2).

9           (b) The district boards shall charge covered individuals living in this state the  
10 fees established under sub. (1m) (a) and (b).

11           (c) After a covered individual living in this state is enrolled at a technical college  
12 and is charged fees in accordance with par. (b), fees established in accordance with  
13 this subsection, rather than sub. (3) (a), shall continue to be charged to the covered  
14 individual for as long as the covered individual is continuously enrolled at the  
15 technical college.

16           (d) In determining whether a student is a covered individual under this  
17 subsection, the district boards shall consider the date of enrollment at a technical  
18 college for purposes of 38 USC 3679 (c) (2) (A) to be the date on which the student’s  
19 fees deposit is received.

20           (e) This subsection does not affect any other fee exemption or fee remission for  
21 which a covered individual may be eligible under this section.

22           **SECTION 4. Initial applicability.**

23           (1) This act first applies to students enrolled for the first semester or session  
24 beginning after the effective date of this subsection.

25

(END)

**Parisi, Lori**

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**From:** Stromme, Denise  
**Sent:** Tuesday, February 24, 2015 11:12 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1456/1 Topic: Resident tuition for nonresident veterans; institution enrollment date for eligibility; veterans item 9.

Please Jacket LRB -1456/1 for the ASSEMBLY.