

2019 DRAFTING REQUEST

Bill

For: Dale Kooyenga (608) 266-2512 Drafter: agary
 By: Patrick Secondary Drafters:
 Date: 1/14/2019 May Contact:

Same as LRB:

Submit via email: YES
 Requester's email: Sen.Kooyenga@legis.wisconsin.gov
 Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov
 mark.kunkel@legis.wisconsin.gov
 melinda.johns@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Veteran students; prohibiting UW System and technical colleges from taking action against veterans students as a result of late payment of tuition benefits

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 1/24/2019				
/P1	agary 3/12/2019	ccarmich 3/12/2019	dwalker 1/29/2019		State S&L
/1			dwalker 3/12/2019	dwalker 3/12/2019	State S&L

→ per. ALG

FE Sent For: 2/19/2019, 2/19/2019

<END>

Gary, Aaron

From: McNulty, Patrick
Sent: Monday, January 14, 2019 12:22 PM
To: Gary, Aaron
Cc: Johns, Melinda; Kunkel, Mark
Subject: RE: Inquiry Regarding Military Benefits and the GI Bill

Aaron,

Thank you for answering everything so thoroughly. Very helpful.

We would like to proceed and draft as you outlined below: A bill applicable to all UW schools & technical colleges providing that if a student's financial aid package includes GI Bill benefits, the school may not take any adverse action against the student based upon the benefits not being timely received.

Thank you,
Patrick

From: Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>
Sent: Thursday, January 10, 2019 4:46 PM
To: McNulty, Patrick <Patrick.McNulty@legis.wisconsin.gov>
Cc: Johns, Melinda <Melinda.Johns@legis.wisconsin.gov>; Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: RE: Inquiry Regarding Military Benefits and the GI Bill

Hi Patrick,

I reviewed the House bill. Under federal law, public and private institutions of higher education are subject to certain requirements as a condition of participating in the federal student financial aid system. The House bill is drafted to fit into this context, meaning that if a college rejected the requirement under the bill its students would not be eligible for the federal financial aid program (regardless of income level).

Although the specific approach in the House bill cannot be duplicated on a state level, I believe a similar result could be achieved with respect to public institutions. I could prepare a draft applicable to all UW schools and technical colleges providing that if a student's financial aid package includes GI Bill benefits, the UW/tech college may not take any adverse action against the student (such as fees or course enrollment) based upon the benefits not being timely received.

With regard to DVA, there is a state GI tuition payment program under s. 45.20. However, this program is a reimbursement program (i.e. tuition payments are made upon completion of the course, not at the start of the semester). On its face, this program does not seem to be the problem, although I know that students sometimes use reimbursement from one semester to pay tuition for the next semester. I don't foresee there being a problem with DVA unless you also want to address delays in DVA's reimbursement payments under s. 45.20.

Please let me know if you have any questions or would like to discuss further and/or how you would like me to proceed. Also, I have spoken in the past with UW Madison employees who specifically deal with administrative issues involving student veterans, so let me know if you would like me to reach out to them to try to gather more information on the problem.

Aaron

Aaron R. Gary
Senior Attorney, Legislative Reference Bureau
608.504.5850 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: McNulty, Patrick <Patrick.McNulty@legis.wisconsin.gov>
Sent: Thursday, January 10, 2019 1:19 PM
To: Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>
Subject: Inquiry Regarding Military Benefits and the GI Bill

Hi Aaron,

My name is Patrick McNulty and I am in Senator Kooyenga's office. I apologize if this issue does not fit under your jurisdiction at LRB, but I was looking for some assistance on the matter. If I should be in contact with a different individual, please let me know.

Recently, thousands of veterans and military dependents using the GI Bill had to wait longer than normal for their tuition payments to come through. Several students faced late fees or were barred from registering for classes due to the VA failing to provide tuition payment on time.

As a result, Congress took action this past session under HR [4830](#), SIT-REP Act, to protect students from facing penalties or late fees if the VA benefits are delayed. It seems this bill passed the House with ease but was stalled in the Senate.

My boss would like to create similar legislation here in Wisconsin, but I wanted to see if you could help provide a bit of clarity on how we would be able to draft similar legislation or if you foresee any problems in dealing with the Department of Veteran Affairs.

If you would prefer to discuss this matter over the phone, please feel free to call me at 608-226-2512.

Thank you very much,
Patrick

Patrick McNulty
Senator Dale Kooyenga
(608) 226-2512

115TH CONGRESS
2D SESSION

H. R. 4830

IN THE SENATE OF THE UNITED STATES

MAY 22, 2018

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to provide for the disapproval of any course of education for purposes of the educational assistance programs of the Department of Veterans Affairs unless the educational institution providing the course permits individuals to attend or participate in courses pending payment by Department, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Servicemembers Im-
3 proved Transition through Reforms for Ensuring Progress
4 Act” or the “SIT-REP Act”.

5 **SEC. 2. DISAPPROVAL FOR PURPOSES OF EDUCATIONAL**
6 **ASSISTANCE PROGRAMS OF DEPARTMENT OF**
7 **VETERANS AFFAIRS OF CERTAIN COURSES**
8 **OF EDUCATION THAT DO NOT PERMIT INDI-**
9 **VIDUALS TO ATTEND OR PARTICIPATE IN**
10 **COURSES PENDING PAYMENT.**

11 Section 3679 of title 38, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(e)(1) Notwithstanding any other provision of this
15 chapter, beginning on August 1, 2018, a State approving
16 agency, or the Secretary when acting in the role of the
17 State approving agency, shall disapprove a course of edu-
18 cation provided by an educational institution unless the
19 educational institution has adopted the following policies:

20 “(A) A policy that permits any covered indi-
21 vidual to attend or participate in the course of edu-
22 cation during the period beginning on the date on
23 which the individual provides to the educational in-
24 stitution a certificate of eligibility for entitlement to
25 educational assistance under chapter 31 or 33 of

1 this title and ending on the earlier of the following
2 dates:

3 “(i) The date on which the Secretary pro-
4 vides payment for such course of education to
5 such institution.

6 “(ii) The date that is 90 days after the
7 date on which the individual provides to the
8 educational institution such certificate of eligi-
9 bility.

10 “(B) A policy that ensures that the educational
11 institution will not impose any penalty, including the
12 assessment of late fees, the denial of access to class-
13 es, libraries, or other institutional facilities, or the
14 requirement that a covered individual borrow addi-
15 tional funds, on any covered individual because of
16 the individual’s inability to meet his or her financial
17 obligations to the institution as a result of the de-
18 layed disbursement of any payment to be provided
19 by the Secretary.

20 “(2) For purposes of this subsection, a covered indi-
21 vidual is any individual who is entitled to educational as-
22 sistance under chapter 31 or 33 of this title.

23 “(3) The Secretary may waive such requirements of
24 paragraph (1) as the Secretary considers appropriate.”.

1 **SEC. 3. CLARIFICATION REGARDING APPLICABILITY OF AU-**
2 **THORITY TO USE EDUCATIONAL ASSISTANCE**
3 **TO PURSUE INDEPENDENT STUDY PRO-**
4 **GRAMS AT CERTAIN EDUCATIONAL INSTITU-**
5 **TIONS THAT ARE NOT INSTITUTIONS OF**
6 **HIGHER LEARNING.**

7 The section heading for section 302 of the Harry W.
8 Colmery Veterans Educational Assistance Act of 2017
9 (Public Law 115–48) is amended to read as follows (and
10 the table of contents for such Act is conformed accord-
11 ingly):

12 **“SEC. 302. AUTHORIZATION FOR USE OF EDUCATIONAL AS-**
13 **SISTANCE UNDER ANY OF THE EDUCATIONAL**
14 **ASSISTANCE PROGRAMS OF THE DEPART-**
15 **MENT OF VETERANS AFFAIRS TO PURSUE**
16 **INDEPENDENT STUDY PROGRAMS AT CER-**
17 **TAIN EDUCATIONAL INSTITUTIONS THAT ARE**
18 **NOT INSTITUTIONS OF HIGHER LEARNING.”.**

Passed the House of Representatives May 21, 2018.

Attest:

KAREN L. HAAS,

Clerk.



Wanted
Tues.
1/29

in
1/24

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

✓
S/A
x-ref
S/C

1 AN ACT ^(gc) ...; relating to: late payment of tuition benefits for student veterans
2 enrolled in the University of Wisconsin System or a technical college.

Analysis by the Legislative Reference Bureau

This bill prohibits any University of Wisconsin System school or technical college from taking adverse action against a student veteran whose financial aid package includes federal veterans tuition benefits as a result of the UW school's or technical college's failure to receive payment of these benefits by the tuition deadline.

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:

3 SECTION 1. 36.27 (7) ✓ of the statutes is created to read:
4 36.27 (7) LATE RECEIPT OF STUDENT'S VETERANS BENEFITS. If a student's financial
5 aid package includes federal veterans benefits that may be applied against the
6 student's payment obligations for academic fees or nonresident tuition, the
7 institution in which the student is enrolled may not take any adverse action against

1 the student as a result of the institution's failure to receive payment of the federal
2 veterans benefits by the deadline established by the institution for payment of
3 tuition or fees.

4 **SECTION 2.** 38.24 (9) of the statutes is created to read:

5 38.24 (9) LATE RECEIPT OF STUDENT'S VETERANS BENEFITS. If a student's financial
6 aid package includes federal veterans benefits that may be applied against the
7 student's payment obligations for any fees under sub. (1m), the technical college in
8 which the student is enrolled may not take any adverse action against the student
9 as a result of the district board's failure to receive payment of the federal veterans
10 benefits by the deadline established by the district board for payment of the fees.

11 **SECTION 3. Initial applicability.**

12 (1) This act first applies in the first semester or session beginning after the
13 effective date of this subsection.

14 (END)

Gary, Aaron

From: McNulty, Patrick
Sent: Tuesday, March 12, 2019 11:30 AM
To: Gary, Aaron
Cc: Sievert, Dan
Subject: RE: Draft review: LRB -1395/P1

Hi Aaron,

Thank you for drafting this for us. We would like to have LRB -1395 jacketed at this time.

I have also CC'd Dan Sievert from Representative James' office as we plan to run an Assembly companion bill. Please let us know what information you need from us to make that happen.

Thank you again for all of your help,
Patrick

Patrick McNulty
Senator Dale Kooyenga
(608) 266-2512

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Tuesday, January 29, 2019 8:16 AM
To: Sen.Kooyenga <Sen.Kooyenga@legis.wisconsin.gov>
Subject: Draft review: LRB -1395/P1

Following is the PDF version of draft LRB -1395/P1.



Today

in
3/12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

1 AN ACT *to create* 36.27 (7) and 38.24 (9) of the statutes; **relating to:** late
2 payment of tuition benefits for student veterans enrolled in the University of
3 Wisconsin System or a technical college.

Analysis by the Legislative Reference Bureau

This bill prohibits any University of Wisconsin System school or technical college from taking adverse action against a student veteran whose financial aid package includes federal veterans tuition benefits as a result of the UW school's or technical college's failure to receive payment of these benefits by the tuition deadline.

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:

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5 36.27 (7) LATE RECEIPT OF STUDENT'S VETERANS BENEFITS. If a student's financial
6 aid package includes federal veterans benefits that may be applied against the
7 student's payment obligations for academic fees or nonresident tuition, the

1 institution in which the student is enrolled may not take any adverse action against
2 the student as a result of the institution's failure to receive payment of the federal
3 veterans benefits by the deadline established by the institution for payment of
4 tuition or fees.

5 **SECTION 2.** 38.24 (9) of the statutes is created to read:

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7 aid package includes federal veterans benefits that may be applied against the
8 student's payment obligations for any fees under sub. (1m), the technical college in
9 which the student is enrolled may not take any adverse action against the student
10 as a result of the district board's failure to receive payment of the federal veterans
11 benefits by the deadline established by the district board for payment of the fees.

12 **SECTION 3. Initial applicability.**

13 (1) This act first applies in the first semester or session beginning after the
14 effective date of this subsection.

15 (END)

Walker, Dan

From: LRB.Legal
To: Sen.Kooyenga@legis.wisconsin.gov
Subject: Draft review: LRB -1395/1
Attachments: 19-1395/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Aaron R. Gary, Senior Legislative Attorney, at (608) 504-5850, at aaron.gary@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for Introduction in the Senate.

If a jacket is needed immediately, please let us know in your response e-mail so we know to immediately jacket the proposal for you.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.