



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1231/2  
GMM:kjf&wlj:rs

DOA:.....Boggs, BB0267 - Elimination of office of Wisconsin covenant

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Higher Educational Aids Board (HEAB), with the assistance of the Office of the Wisconsin Covenant Scholars Program in DOA (office), administers the Wisconsin Covenant Scholars Program, under which: 1) HEAB awards grants to resident students who are enrolled at least half time in public or private, nonprofit, accredited institutions of higher education or in tribally controlled colleges in this state; 2) DOA promulgates rules to implement the program; and 3) the office designates students as Wisconsin covenant scholars, coordinates activities to promote attendance at nonprofit postsecondary institutions of higher education in this state, and performs certain other duties relating to the administration of the program.

This bill eliminates the office and the promotional activities performed by the office and transfers to HEAB the duties of designating students as Wisconsin covenant scholars, promulgating rules to implement the program, and otherwise administering the program. The bill also prohibits students from enrolling in the Wisconsin Covenant Scholars Program after September 30, 2011. After that date, HEAB may designate a student as a Wisconsin covenant scholar only if the student enrolled in the Wisconsin Covenant Scholars Program by that date.

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.** 15.01 (6) of the statutes is amended to read:

15.01 (6) “Division,” “bureau,” “section” and “unit” means the subunits of a department or an independent agency, whether specifically created by law or created by the head of the department or the independent agency for the more economic and efficient administration and operation of the programs assigned to the department or independent agency. The office of justice assistance in the department of administration, ~~the office of energy independence in the department of administration, the office of the Wisconsin Covenant Scholars Program in the department of administration,~~ and the office of credit unions in the department of financial institutions have the meaning of “division” under this subsection. The office of the long-term care ombudsman under the board on aging and long-term care and the office of educational accountability in the department of public instruction have the meaning of “bureau” under this subsection.

\*\*\*\*NOTE: This is reconciled s. 15.01 (6). This SECTION has been affected by drafts with the following LRB numbers: LRB-1224/P2 and LRB-1231/1.

**SECTION 2.** 15.02 (3) (c) 1. of the statutes is amended to read:

15.02 (3) (c) 1. The principal subunit of the department is the “division”. Each division shall be headed by an “administrator”. The office of justice assistance in the department of administration, ~~the office of the Wisconsin Covenant Scholars Program in the department of administration,~~ and the office of credit unions in the department of financial institutions have the meaning of “division” and the executive staff director of the office of justice assistance in the department of administration,

~~the director of the office of the Wisconsin Covenant Scholars Program in the department of administration, and the director of credit unions have the meaning of “administrator” under this subdivision.~~

**SECTION 3.** 15.105 (31) of the statutes is repealed.

**SECTION 4.** 16.257 of the statutes is repealed.

**SECTION 5.** 20.505 (4) (bm) of the statutes is repealed.

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

**SECTION 6.** 39.437 (1) of the statutes is amended to read:

39.437 (1) ESTABLISHMENT OF GRANT PROGRAM. There is established, to be administered by the board, ~~with the assistance of the office of the Wisconsin Covenant Scholars Program in the department of administration as provided in subs. (2) (a) 2., (4), and (5),~~ a Wisconsin Covenant Scholars Program to provide grants to students who meet the eligibility criteria specified in sub. (2).

**SECTION 7.** 39.437 (2) (a) 2. of the statutes is amended to read:

39.437 (2) (a) 2. The student has been designated as a Wisconsin covenant scholar by the ~~office of the Wisconsin Covenant Scholars Program in the department of administration~~ board.

**SECTION 8.** 39.437 (4) (a) of the statutes is amended to read:

39.437 (4) (a) By February 1 of each year, the Board of Trustees of the University of Wisconsin-Madison shall provide to the board information relating to the resident undergraduate academic fees charged to attend that university for the current academic year, the Board of Regents of the University of Wisconsin System shall provide to the ~~office of the Wisconsin Covenant Scholars Program in the department of administration~~ board information relating to the resident

undergraduate academic fees charged to attend each of the institutions within that system for the current academic year, the technical college system board shall provide to ~~that office~~ the board information relating to the fees under s. 38.24 (1m) (a) to (c) charged to attend each of the technical colleges within that system for the current academic year, each tribally controlled college in this state shall provide to ~~that office~~ the board information relating to the tuition and fees charged to attend the tribal college for the current academic year, and the Wisconsin Association of Independent Colleges and Universities or a successor organization shall provide to ~~that office~~ the board information relating to tuition and fees charged to attend each of the private, nonprofit, accredited institutions of higher education in this state for the current academic year.

\*\*\*\*NOTE: This is reconciled s. 39.437 (4) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-1187/P4 and LRB-1231/1.

**SECTION 9.** 39.437 (4) (b) of the statutes is amended to read:

39.437 (4) (b) By April 1 of each year, the ~~office of the Wisconsin Covenant Scholars Program in the department of administration~~ board shall determine the average of the resident undergraduate academic fees charged for the current academic year at the University of Wisconsin-Madison. the average of the resident undergraduate academic fees charged for the current academic year among the institutions within the University of Wisconsin System, the average of the fees under s. 38.24 (1m) (a) to (c) charged for the current academic year among the technical colleges in this state, the average of the tuition and fees charged for the current academic year among the tribally controlled colleges in this state, and the average of the tuition and fees charged for the current academic year among the private, nonprofit, accredited institutions of higher education in this state.

\*\*\*\*NOTE: This is reconciled s. 39.437 (4) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB-1187/P4 and LRB-1231/1.

**SECTION 10.** 39.437 (4) (c) of the statutes is amended to read:

39.437 (4) (c) To the extent permitted under **20 USC 1232g** and **34 CFR part 99**, the department of public instruction shall provide pupil information to the ~~office~~ of the ~~Wisconsin Covenant Scholars Program in the department of administration board~~ as necessary for that office to fulfill its role in the administration of the grant program under this section.

**SECTION 11.** 39.437 (5) (intro.) of the statutes is amended to read:

39.437 (5) RULES. (intro.) The ~~department of administration board~~ shall promulgate rules to implement this section, including all of the following:

**SECTION 12.** 39.437 (5) (c) of the statutes is amended to read:

39.437 (5) (c) Any other rules the ~~department of administration board~~ considers necessary to assure the uniform administration of this section.

**SECTION 13.** 39.437 (6) of the statutes is created to read:

39.437 (6) SUNSET. No student may enroll in the Wisconsin Covenant Scholars Program after September 30, 2011. After that date, the board may designate a student as a Wisconsin covenant scholar under sub. (2) (a) 2. only if the student enrolled in the Wisconsin Covenant Scholars Program by that date.

**SECTION 14.** 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 (2) (e) 1. Administration — ~~14~~ 13.

**SECTION 9101. Nonstatutory provisions; Administration.**

(1) ELIMINATION OF OFFICE OF THE WISCONSIN COVENANT SCHOLARS PROGRAM.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the office of the Wisconsin Covenant Scholars Program shall become the assets and liabilities of the higher educational aids board.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the office of the Wisconsin Covenant Scholars Program is transferred to the higher educational aids board.

(c) *Contracts.* All contracts entered into by the office of the Wisconsin Covenant Scholars Program in effect on the effective date of this paragraph remain in effect and are transferred to the higher educational aids board. The higher educational aids board shall carry out any obligations under such a contract until the contract is modified or rescinded by the higher educational aids board to the extent allowed under the contract.

(d) *Rules and orders.* All rules promulgated by the office of the Wisconsin Covenant Scholars Program that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the higher educational aids board. All orders issued by the office of the Wisconsin Covenant Scholars Program that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the higher educational aids board.

(e) *Pending matters.* Any matter pending with the office of the Wisconsin Covenant Scholars Program on the effective date of this paragraph is transferred to the higher educational aids board and all materials submitted to or actions taken by the office of the Wisconsin Covenant Scholars Program with respect to the pending

matter are considered as having been submitted to or taken by the higher educational aids board.

**(END)**