



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1276/P1  
JAM:ekg&cjs

DOA:.....Mott, BB0441 - Nonresident tuition exemption for undocumented individuals

**FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION**

AN ACT ...; relating to: budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**HIGHER EDUCATION**

***Nonresident tuition exemption for undocumented individuals***

This bill creates a nonresident tuition exemption for certain technical college and UW System students. Current law allows the Board of Regents of the UW System to charge different tuition rates to resident and nonresident students. Current law also includes nonresident tuition exemptions, under which certain nonresident students pay resident tuition rates. This bill creates an additional exemption for an individual who is not a citizen of the United States and who: 1) graduated from a Wisconsin high school or received a declaration of equivalency of high school graduation from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and 3) enrolls in a UW System institution and provides the institution with proof stating that he or she has filed or will file an application for lawful permanent resident status with U.S. Citizenship and Immigration Services as soon as the individual is eligible to do so.

The bill also provides that an individual described above is considered a resident of this state for purposes of admission to and payment of fees at a technical college.

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:***

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

36.27 (2) (cr) A person who is not a citizen of the United States is entitled to the exemption under par. (a) if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a declaration of equivalency of high school graduation from this state.

2. The person was continuously present in this state for at least 3 years following the first day of attending a high school in this state or immediately preceding receipt of a declaration of equivalency of high school graduation.

3. The person enrolls in an institution and provides that institution with proof that the person has filed or will file an application for lawful permanent resident status with the U.S. citizenship and immigration services as soon as the person is eligible to do so.

\*\*\*NOTE: I altered subdivision 3. to refer to "lawful permanent resident status" instead of "permanent resident visa" to ensure the bill uses the proper federal immigration terminology.

**SECTION 2.** 38.22 (6) (e) of the statutes is created to read:

38.22 (6) (e) Any person who is not a citizen of the United States if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a declaration of equivalency of high school graduation from this state.

2. The person was continuously present in this state for at least 3 years following the first day of attending a high school in this state or immediately preceding receipt of a declaration of equivalency of high school graduation.

3. The person enrolls in a district school and provides the district board with proof that the person has filed or will file an application for lawful permanent resident status with the U.S. citizenship and immigration services as soon as the person is eligible to do so.

**SECTION 9342. Initial applicability; Technical College System.**

(1) NONRESIDENT TUITION EXEMPTION. The treatment of s. 38.22 (6) (e) first applies to persons who enroll for the semester or session following the effective date of this subsection.

**SECTION 9347. Initial applicability; University of Wisconsin System.**

(1) NONRESIDENT TUITION EXEMPTION. The treatment of s. 36.27 (2) (cr) first applies to persons who enroll for the semester or session following the effective date of this subsection.

(END)