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AB 235 Testimony

5/28/15

Assembly Committee on Colleges and Universities

Good Morning Chairman Murphy and Committee Members. Thank you for taking time today to address the legislation relating to charging resident fees to nonresident veterans and their family members attending schools within the Wisconsin technical colleges system.

Last year, the United States Congress passed Veterans Access, Choice, and Accountability Act of 2014. This Act required all public institutions of higher education to provide in-state residency tuition to qualified veterans and their immediate family members enrolled at that institution

In Wisconsin, the proposed changes in AB 235 are required to ensure that Wisconsin Technical College System is eligible for reimbursements for the educational costs of veterans who are using federal grants such as the Post-9/11 GI Bill.

Under this bill, veterans living in Wisconsin, regardless if they are a resident can qualify for resident tuition as long as they are enrolling within the proper time frame. Once these veterans have enrolled at resident rates, veterans as well as qualifying spouses or children will continue to be eligible for resident tuition as long as they are continuously enrolled in a Wisconsin Technical College System college.

Last year the Wisconsin Technical College System served 64 veterans who were not residents. It is imperative that the Wisconsin Technical College System adopt this policy immediately for all courses that commence on or after July 1, 2015. Failure to comply with this mandate could result in the loss of nearly \$23 million per academic year in Post-9/11 GI Bill payments made for tuition and housing allowances for student veterans.

The amendment is a technical one that came at the request of the US Department of Veterans Affairs to ensure full compliance.

I appreciate your thoughtful consideration of this bill.

Scott Walker, Governor

John A. Scocos, Secretary



STATE OF WISCONSIN  
DEPARTMENT OF VETERANS AFFAIRS

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May 28, 2015

Chairman David Murphy  
Assembly Committee on Colleges and Universities  
State Capitol  
Madison, Wisconsin

Dear Chairman Murphy and Committee Members,

I strongly support passage of Assembly Bill 235 and Assembly Amendment 1 to bring the Wisconsin Technical College System into compliance with the federal Veterans Access, Choice and Accountability Act of 2014.

The federal law requires public institutions of higher education to charge qualifying veterans and their dependents no more than the resident rate for tuition and fees. Noncompliance with the federal law will result in the suspension of all Post-9/11 and Montgomery GI Bill benefits for all veterans attending the noncompliant school.

I thank Representative Skowronski and Senator Petrowski for their leadership on this issue to ensure Wisconsin's veterans continue to receive all the federal veterans education benefits they have earned and request swift passage of AB 235.

Sincerely,  
DEPARTMENT OF VETERANS AFFAIRS

A handwritten signature in black ink, appearing to read "John A. Scocos", with a long horizontal flourish extending to the right.

JOHN A. SCOCOS  
Secretary

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

"(A) the date that is 15 years after the date on which the person died; or

"(B) the date on which the individual remarries.

"(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance."

(c) CONFORMING AMENDMENT.—Section 3321(b)(4) of such title is amended—

(1) by striking "an individual" and inserting "a child"; and

(2) by striking "such individual's" each time it appears and inserting "such child's".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after January 1, 2015.

**SEC. 702. APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR PURPOSES OF ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM AND POST-9/11 EDUCATIONAL ASSISTANCE CONDITIONAL ON IN-STATE TUITION RATE FOR VETERANS.**

(a) IN GENERAL.—Section 3679 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning to a covered individual pursuing a course of education with educational assistance under chapter 30 or 33 of this title while living in the State in which the public institution of higher learning is located if the institution charges tuition and fees for that course for the covered individual at a rate that is higher than the rate the institution charges for tuition and fees for that course for residents of the State in which the institution is located, regardless of the covered individual's State of residence.

"(2) For purposes of this subsection, a covered individual is any individual as follows:

"(A) A veteran who was discharged or released from a period of not fewer than 90 days of service in the active military, naval, or air service less than three years before the date of enrollment in the course concerned.

"(B) An individual who is entitled to assistance under section 3311(b)(9) or 3319 of this title by virtue of such individual's relationship to a veteran described in subparagraph (A).

"(3) If after enrollment in a course of education that is subject to disapproval under paragraph (1) by reason of paragraph (2)(A)

- must enroll w/in  
3 years after  
discharge  
- entitled to in-  
state tuition  
as long as  
continuously  
enrolled at  
same public  
institution

or (2)(B) a covered individual pursues one or more courses of education at the same public institution of higher learning while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at that institution of higher learning, any course so pursued by the covered individual at that institution of higher learning while so continuously enrolled shall also be subject to disapproval under paragraph (1).

“(4) It shall not be grounds to disapprove a course of education under paragraph (1) if a public institution of higher learning requires a covered individual pursuing a course of education at the institution to demonstrate an intent, by means other than satisfying a physical presence requirement, to establish residency in the State in which the institution is located, or to satisfy other requirements not relating to the establishment of residency, in order to be charged tuition and fees for that course at a rate that is equal to or less than the rate the institution charges for tuition and fees for that course for residents of the State.

“(5) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.

“(6) Disapproval under paragraph (1) shall apply only with respect to educational assistance under chapters 30 and 33 of this title.”

(b) EFFECTIVE DATE.—Subsection (c) of section 3679 of title 38, United States Code (as added by subsection (a) of this section), shall apply with respect to educational assistance provided for pursuit of a program of education during a quarter, semester, or term, as applicable, that begins after July 1, 2015.

**SEC. 703. EXTENSION OF REDUCTION IN AMOUNT OF PENSION FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.**

Section 5503(d)(7) of title 38, United States Code, is amended by striking “November 30, 2016” and inserting “September 30, 2024”.

**SEC. 704. EXTENSION OF REQUIREMENT FOR COLLECTION OF FEES FOR HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS.**

Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking “October 1, 2017” and inserting “September 30, 2024”; and

(B) in clause (iv), by striking “October 1, 2017” and inserting “September 30, 2024”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “October 1, 2017” and inserting “September 30, 2024”; and

(B) in clause (ii), by striking “October 1, 2017” and inserting “September 30, 2024”;

(3) in subparagraph (C)—

(A) in clause (i), by striking “October 1, 2017” and inserting “September 30, 2024”; and

(B) in clause (ii), by striking “October 1, 2017” and inserting “September 30, 2024”; and

(4) in subparagraph (D)—

(A) in clause (i), by striking “October 1, 2017” and inserting “September 30, 2024”; and