

# State of Wisconsin



2023 Senate Bill 744

Date of enactment: **March 14, 2024**

Date of publication\*: **March 15, 2024**

## 2023 WISCONSIN ACT 117

AN ACT *to renumber and amend* 321.40 (4); *to amend* 20.465 (2) (a), 71.93 (1) (a) 6., 321.40 (1) (d), 321.40 (2) (e), 321.40 (2) (f), 321.40 (3) (a), 321.40 (3) (b) 1., 321.40 (3) (c) and 321.40 (5) (d); and *to create* 321.40 (4) (a) 2., 3. and 4. and (b) and 321.40 (6) of the statutes; **relating to**: the tuition grant program for national guard members administered by the Department of Military Affairs.

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

**SECTION 1.** 20.465 (2) (a) of the statutes is amended to read:

20.465 (2) (a) *Tuition grants.* A sum sufficient for the payment of tuition grants to members of the Wisconsin national guard under s. 321.40 (4) (3).

**SECTION 2.** 71.93 (1) (a) 6. of the statutes is amended to read:

71.93 (1) (a) 6. An amount owed to the department of military affairs under s. 321.40 (5) (4).

**SECTION 3.** 321.40 (1) (d) of the statutes is amended to read:

321.40 (1) (d) "Tuition grant" means any tuition cost reimbursement payment made by the department under sub. (4) (3).

**SECTION 4.** 321.40 (2) (e) of the statutes is amended to read:

321.40 (2) (e) Failing to achieve ~~a minimum grade point average of 2.0 for the semester for which a~~ satisfactory academic progress in a qualifying school when the tuition grant is applied for.

**SECTION 5.** 321.40 (2) (f) of the statutes is amended to read:

321.40 (2) (f) Failing to be an actively drilling guard member ~~upon the date of the satisfactory completion of a full-time or part-time course in a qualifying school~~ when the tuition grant is applied for.

**SECTION 6.** 321.40 (3) (a) of the statutes is amended to read:

321.40 (3) (a) Any eligible guard member ~~upon satisfactory completion of~~ enrolled in a full-time or part-time course in a qualifying school may apply for a tuition grant equal to 100 percent of the actual tuition charged by the school or 100 percent of the maximum resident undergraduate tuition charged by the University of Wisconsin-Madison for a comparable number of credits, whichever amount is less. In calculating the maximum resident undergraduate tuition charged by the University of Wisconsin-Madison for purposes of this paragraph, the department shall include in the calculation all additional tuition established or approved by the Board of Regents of the University of Wisconsin System under s. 36.27 (1) (a) for undergraduate students at the University of Wisconsin-Madison and for students enrolled in a particular undergraduate academic program at the University of Wisconsin-Madison if the eligible guard member is enrolled in the same or equivalent program.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 7.** 321.40 (3) (b) 1. of the statutes is amended to read:

321.40 (3) (b) 1. Be submitted to the department for approval of payment no earlier than 90 days prior to the start of the course and no later than 90 days after the completion date of the course; and

**SECTION 8.** 321.40 (3) (c) of the statutes is amended to read:

321.40 (3) (c) Except as provided under par. (d), upon determination that the applicant is eligible to receive the payment, the department shall make payment of the tuition grant ~~to, on behalf of the applicant, to the qualifying school in which the applicant is enrolled~~ in the amount determined under par. (a). Notwithstanding par. (b) 2., the department shall rely on a qualifying school's certification in determining that an applicant is eligible under sub. (2) (e) to receive the payment and the department shall make the payment not later than 30 days after the department receives the certification.

**SECTION 9.** 321.40 (4) of the statutes is renumbered 321.40 (4) (a) (intro.) and amended to read:

321.40 (4) (a) (intro.) The department shall require a ~~national~~ guard member who has received a tuition grant under this section to repay the amount of the tuition grant to the department if ~~the national~~ any of the following applies:

1. ~~The~~ guard member is separated from the national guard for misconduct, as defined in the rules and regulations of the national guard, including being absent without leave for more than 9 unit training assemblies.

(c) The department may elect to collect the amount owed under this subsection through the tax intercept program under s. 71.93.

**SECTION 10.** 321.40 (4) (a) 2., 3. and 4. and (b) of the statutes are created to read:

321.40 (4) (a) 2. The guard member is not a member in good standing in the national guard at the end of the term for which the tuition grant is paid.

3. The guard member has failed to be an actively drilling guard member at the end of the term for which the tuition grant is paid.

4. The guard member has failed to achieve satisfactory academic progress at the end of the term for which the tuition grant is paid.

(b) 1. A qualifying school that receives payment of a tuition grant on behalf of a guard member under sub. (3) (c) shall notify the department if the guard member has failed to achieve satisfactory academic progress at the end of the term for which the tuition grant is paid.

2. If a guard member is required to repay a tuition grant for any of the reasons specified in par. (a), the department may require the qualifying school that received the tuition grant on behalf of the guard member to recover from the guard member the amount of the tuition grant and remit it to the department. A qualifying school may take any reasonable action to secure repayment of the amount of a tuition grant under this subdivision, including placing a hold on course registration or on the awarding of a degree or certificate, undertaking collection efforts, or initiating legal action.

**SECTION 11.** 321.40 (5) (d) of the statutes is amended to read:

321.40 (5) (d) No guard member may receive a tuition grant under this section unless he or she is a member in good standing in the national guard at the time of ~~completion of the course~~ application for the tuition grant.

**SECTION 12.** 321.40 (6) of the statutes is created to read:

321.40 (6) **COORDINATION WITH QUALIFYING SCHOOLS.** The department shall consult and coordinate with qualifying schools in establishing a process for distributing tuition grants that accomplishes all of the following:

(a) Maximizes administrative efficiency for qualifying schools in applying tuition grants to student accounts.

(b) Provides tuition grants to students in an expeditious manner that minimizes students' need to incur debt while waiting for the grants to fund in their student accounts.

**SECTION 13. Initial applicability.**

(1) This act first applies to applications for tuition grants for an academic term that begins after the effective date of this subsection.