



2023 ASSEMBLY BILL 772

December 8, 2023 - Introduced by Representatives DUCHOW, JOERS, ALLEN, C. ANDERSON, BARE, BRANDTJEN, CONLEY, CONSIDINE, DITTRICH, EDMING, EMERSON, GOEBEN, GOYKE, GUSTAFSON, JACOBSON, S. JOHNSON, MADISON, MAGNAFICI, MAXEY, MICHALSKI, MURPHY, MURSAU, O'CONNOR, ORTIZ-VELEZ, PALMERI, RATCLIFF, SHANKLAND, SINICKI, SUBECK, TITTL and HAYWOOD, cosponsored by Senators TESTIN, HESSELBEIN, CABRAL-GUEVARA, CARPENTER, JAMES, MARKLEIN, NASS and SPREITZER. Referred to Committee on Veterans and Military Affairs.

AUTHORS SUBJECT TO CHANGE

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

Analysis by the Legislative Reference Bureau

This bill makes changes to the tuition grant program administered by the Department of Military Affairs relating to eligibility and timing of higher education grants paid to national guard members and to administration of the program.

Under current law, DMA awards tuition grants to national guard members to reimburse them for higher education tuition costs if certain eligibility criteria are satisfied. The amount of the tuition grant payment is equal to 100 percent of the actual tuition charged by the guard member's 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. Among the eligibility criteria, a national guard member may not receive a tuition reimbursement grant if, at the time of completion of the semester to be reimbursed, the guard member fails to achieve a minimum grade point average of 2.0, fails to be an actively drilling guard member, or fails to be a guard member in good standing. DMA must require a national guard member to repay the amount of a tuition grant if the national guard member is separated from the national guard for misconduct, including being absent

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without leave for more than nine unit training assemblies. If an eligible student's school has certified to DMA that the student has achieved at least a 2.0 GPA for the semester for which reimbursement is sought, DMA must pay the tuition grant amount to the student within 30 days after receiving this certification.

The bill allows an enrolled student who is an eligible national guard member to apply for a tuition grant prior to completion of the semester. The national guard member is not eligible for payment of the tuition grant if, at the time of application for the grant, the guard member is not achieving satisfactory academic progress in his or her school, is not an actively drilling guard member, or is not a guard member in good standing. If an eligible guard member's school has certified to DMA that he or she is achieving satisfactory academic progress, DMA must pay the tuition grant amount to the student's school on the student's behalf, rather than directly to the student, within 30 days after receiving this certification. The bill also requires DMA to require a national guard member to repay a tuition grant if, at the end of the term for which the tuition grant is paid, the national guard member has failed to achieve satisfactory academic progress, failed to be an actively drilling guard member, or failed to be a guard member in good standing. A school must notify DMA if the national guard member who received the tuition grant failed to achieve satisfactory academic progress at the end of the term. If a national guard member is required to repay a tuition grant for any reason, DMA may require the guard member's school to recover from the guard member the amount of the tuition grant and remit it to DMA.

The bill also requires DMA to consult and coordinate with higher education institutions in establishing a process for distributing tuition grants that maximizes administrative efficiency for these schools in applying tuition grants to student accounts and provides tuition grants to students in an expeditious manner.

For further information see the state 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:

- 1 **SECTION 1.** 20.465 (2) (a) of the statutes is amended to read:
2 20.465 (2) (a) *Tuition grants.* A sum sufficient for the payment of tuition grants
3 to members of the Wisconsin national guard under s. 321.40 (4) (3).
4 **SECTION 2.** 71.93 (1) (a) 6. of the statutes is amended to read:
5 71.93 (1) (a) 6. An amount owed to the department of military affairs under s.
6 321.40 (5) (4).
7 **SECTION 3.** 321.40 (1) (d) of the statutes is amended to read:

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

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

4 321.40 (2) (e) Failing to achieve ~~a minimum grade point average of 2.0 for the~~
5 ~~semester for which a~~ satisfactory academic progress in a qualifying school when the
6 tuition grant is applied for.

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

8 321.40 (2) (f) Failing to be an actively drilling guard member ~~upon the date of~~
9 ~~the satisfactory completion of a full-time or part-time course in a qualifying school~~
10 when the tuition grant is applied for.

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

12 321.40 (3) (a) Any eligible guard member ~~upon satisfactory completion of~~
13 enrolled in a full-time or part-time course in a qualifying school may apply for a
14 tuition grant equal to 100 percent of the actual tuition charged by the school or 100
15 percent of the maximum resident undergraduate tuition charged by the University
16 of Wisconsin-Madison for a comparable number of credits, whichever amount is less.
17 In calculating the maximum resident undergraduate tuition charged by the
18 University of Wisconsin-Madison for purposes of this paragraph, the department
19 shall include in the calculation all additional tuition established or approved by the
20 Board of Regents of the University of Wisconsin System under s. 36.27 (1) (a) for
21 undergraduate students at the University of Wisconsin-Madison and for students
22 enrolled in a particular undergraduate academic program at the University of
23 Wisconsin-Madison if the eligible guard member is enrolled in the same or
24 equivalent program.

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

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

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

5 321.40 (3) (c) Except as provided under par. (d), upon determination that the
6 applicant is eligible to receive the payment, the department shall make payment of
7 the tuition grant ~~to~~, on behalf of the applicant, to the qualifying school in which the
8 applicant is enrolled in the amount determined under par. (a). Notwithstanding par.
9 (b) 2., the department shall rely on a qualifying school's certification in determining
10 that an applicant is eligible under sub. (2) (e) to receive the payment and the
11 department shall make the payment not later than 30 days after the department
12 receives the certification.

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

15 321.40 (4) (a) (intro.) The department shall require a national guard member
16 who has received a tuition grant under this section to repay the amount of the tuition
17 grant to the department if ~~the national~~ any of the following applies:

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

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

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

24 321.40 (4) (a) 2. The guard member is not a member in good standing in the
25 national guard at the end of the term for which the tuition grant is paid.

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

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

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

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

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

18 321.40 (5) (d) No guard member may receive a tuition grant under this section
19 unless he or she is a member in good standing in the national guard at the time of
20 ~~completion of the course~~ application for the tuition grant.

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

22 321.40 (6) COORDINATION WITH QUALIFYING SCHOOLS. The department shall
23 consult and coordinate with qualifying schools in establishing a process for
24 distributing tuition grants that accomplishes all of the following:

