



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5684/1
ARG:skw

2021 ASSEMBLY BILL 908

January 21, 2022 - Introduced by Representatives MURPHY, CABRAL-GUEVARA, ARMSTRONG, GUNDRUM, HORLACHER, ROZAR, SUBECK, TUSLER and WICHGERS, cosponsored by Senators JACQUE, BALLWEG and CARPENTER. Referred to Committee on State Affairs.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 36.27 (3n) (a) 1m. a., 36.27 (3n) (a) 1m. b., 36.27 (3n) (b) (intro.),
2 36.27 (3n) (bd), 36.27 (3n) (bg), 36.27 (3n) (bm), 36.27 (3n) (c), 36.27 (3p) (a) 1r.
3 (intro.), 38.24 (7) (a) 1m. a., 38.24 (7) (a) 1m. b., 38.24 (7) (a) 1p., 38.24 (7) (b)
4 (intro.), 38.24 (7) (bd), 38.24 (7) (bg), 38.24 (7) (bm) and 38.24 (8) (a) 1r. (intro.);
5 and **to create** 36.27 (3n) (a) 1r. of the statutes; **relating to:** tuition and fee
6 remission for certain veterans and their dependents enrolled in the University
7 of Wisconsin System or a technical college.

Analysis by the Legislative Reference Bureau

This bill modifies the residency requirement for the tuition and fee remission program for certain veterans and their spouses and children enrolled in University of Wisconsin System schools and technical colleges.

Under current law, if certain criteria are met, veterans and their spouses and 17- to 25-year-old children are eligible for full remission of tuition and fees at UW System schools and technical colleges for up to eight semesters or 128 credits, whichever is longer. Under the veterans fee remission program, the veteran must be a resident of this state when he or she entered military service or be a resident of this state for at least five consecutive years immediately before the veteran registers at a UW System school or technical college. Under the fee remission program for the spouse or child of a veteran who suffered service-connected death or disability, the

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veteran must have been a resident of this state when he or she entered military service or one of the following must apply: 1) if the veteran, while a resident of this state, died on active duty, died as the result of a service-connected disability, or died in the line of duty while on active or inactive duty for training purposes, the veteran must have resided in this state for at least five consecutive years while an adult, or 2) if the veteran received at least a 30 percent service-connected disability rating, the veteran must have resided in this state for at least five consecutive years immediately before the veteran's spouse or child registers at a UW System school or technical college. In addition, if a veteran was not a resident of this state when he or she entered military service, the veteran's spouse or child is eligible for tuition and fee remission only if the spouse or child has resided in this state for at least five consecutive years immediately before the spouse's or child's enrollment in a UW System school or technical college.

This bill eliminates the five-year durational residency requirement for veterans and their spouses and children under the tuition and fee remission program under circumstances in which the veteran was not a resident of this state when he or she entered military service. Under the bill, if the veteran was not a resident of this state when he or she entered military service, the veteran is still eligible for the tuition and fee remission program if the veteran is a resident of this state immediately before the veteran registers at a UW System school or technical college. Also under the bill, if the veteran was not a resident of this state when he or she entered military service, the veteran's spouse and children are still eligible for the tuition and fee remission program if the spouse or child resided in this state immediately before the spouse or child registers at a UW System school or technical college and if the veteran, as described in 1), above, resided in this state at any time while an adult or the veteran, as described in 2), above, resided in this state immediately before the veteran's spouse or child registers at a UW System school or technical college. If the applicable requirements for fee remission are met, the veteran or the veteran's spouse or child is eligible for fee remission regardless of whether the veteran or veteran's spouse or child would otherwise qualify as a resident student for tuition or fee purposes.

For further information see the state and local 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.** 36.27 (3n) (a) 1m. a. of the statutes is amended to read:
- 2 36.27 **(3n)** (a) 1m. a. A person who has served on active duty under honorable
- 3 conditions in the U.S. armed forces, in forces incorporated as part of the U.S. armed
- 4 forces, in the national guard, or in a reserve component of the U.S. armed forces; who

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1 was a resident of this state at the time of entry into that service or resided in this state
2 ~~for at least 5 consecutive years~~ after the person attained the age of 18; and who, while
3 a resident of this state, died on active duty, died as the result of a service-connected
4 disability, or died in the line of duty while on active or inactive duty for training
5 purposes.

6 **SECTION 2.** 36.27 (3n) (a) 1m. b. of the statutes is amended to read:

7 36.27 (3n) (a) 1m. b. A person who was a resident of this state at the time of
8 entry into service described in subd. 1m. a. or resided in this state ~~for at least 5~~
9 ~~consecutive years~~ immediately preceding the beginning of any semester or session
10 for which the person's spouse or child described in par. (b) 1., 2., or 3. registers at an
11 institution, and who the U.S. department of veteran affairs has awarded at least a
12 30 percent service-connected disability rating under 38 USC 1114 or 1134.

13 **SECTION 3.** 36.27 (3n) (a) 1r. of the statutes is created to read:

14 36.27 (3n) (a) 1r. "Nonresident tuition" has the meaning given in sub. (3p) (a)
15 1m.

16 **SECTION 4.** 36.27 (3n) (b) (intro.) of the statutes is amended to read:

17 36.27 (3n) (b) (intro.) Except as provided in pars. (bd) and (bg), the board shall
18 grant full remission of nonresident tuition, academic fees, and segregated fees for
19 128 credits or 8 semesters, whichever is longer, less the number of credits or
20 semesters for which the person received remission of fees under s. 38.24 (7) or tuition
21 offsets under grants under s. 39.49 (2) (a) 1. and less the amount of any nonresident
22 tuition, academic fees, or segregated fees paid under 38 USC 3319, to any resident
23 student who maintains a cumulative grade point average of at least 2.0 and is also
24 any of the following:

25 **SECTION 5.** 36.27 (3n) (bd) of the statutes is amended to read:

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1 36.27 (3n) (bd) If an eligible veteran was not a resident of this state at the time
2 of entry into service described in par. (a) 1m. a., the board may grant a remission of
3 nonresident tuition, academic fees, and segregated fees under this subsection only
4 if the eligible veteran's spouse or child described in par. (b) 1., 2., or 3. has resided
5 in this state ~~for at least 5 consecutive years~~ immediately preceding the spouse's or
6 child's enrollment in an institution.

7 **SECTION 6.** 36.27 (3n) (bg) of the statutes is amended to read:

8 36.27 (3n) (bg) Before the Board of Regents may grant a remission of
9 nonresident tuition, academic fees, and segregated fees under par. (b), the Board of
10 Regents shall require the resident student to apply to the payment of those fees all
11 educational assistance to which the resident student is entitled under 38 USC 3319.
12 If that educational assistance covers 100 percent of those fees for a credit or semester,
13 that credit or semester shall not count against the 128 credit or 8 semester limit
14 provided in par. (b). If that educational assistance covers less than 100 percent of
15 those fees for a credit or semester and the remission under par. (b) covers the
16 remainder of those fees, the credit or semester shall count against that limit in the
17 proportion that the remission bears to the total nonresident tuition, academic fees,
18 and segregated fees charged for that credit or semester. This requirement applies
19 notwithstanding the fact that the resident student may be entitled to educational
20 assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 as well
21 as under 38 USC 3319, unless the resident student has 12 months or less of eligibility
22 remaining for educational assistance under 10 USC 16132a, 10 USC 16163a, or 38
23 USC 3500 to 3566.

24 **SECTION 7.** 36.27 (3n) (bm) of the statutes is amended to read:

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1 36.27 (3n) (bm) 1. For a resident student who is entitled to educational
2 assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 and under
3 38 USC 3319, if the amount of educational assistance, not including educational
4 assistance for tuition, to which the resident student is entitled under 10 USC 16132a,
5 10 USC 16163a, or 38 USC 3500 to 3566 is greater than the amount of educational
6 assistance, not including educational assistance for tuition, that the resident
7 student received under 38 USC 3319, as determined by the higher educational aids
8 board, in the academic year the higher educational aids board shall reimburse the
9 resident student for the difference in those amounts of educational assistance, as
10 calculated by the higher educational aids board, from the appropriation account
11 under s. 20.235 (1) (fz). The higher educational aids board shall make that
12 determination and calculation in consultation with the Board of Regents.

13 2. If in any fiscal year there are insufficient moneys available in the
14 appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under
15 subd. 1. to all resident students who are eligible for that reimbursement, the higher
16 educational aids board and the Board of Regents shall reimburse those resident
17 students as provided in s. 39.50 (4).

18 **SECTION 8.** 36.27 (3n) (c) of the statutes is amended to read:

19 36.27 (3n) (c) The higher educational aids board shall reimburse the board of
20 regents for all nonresident tuition, academic fees, and segregated fees remitted
21 under par. (b) as provided in s. 39.50 (1) and (3m).

22 **SECTION 9.** 36.27 (3p) (a) 1r. (intro.) of the statutes is amended to read:

23 36.27 (3p) (a) 1r. (intro.) “Veteran” means a person who is verified by the
24 department of veterans affairs as being a resident of this state for purposes of
25 receiving benefits under ch. 45; as being a resident of this state at the time of his or

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1 her entry into the U.S. armed forces or forces incorporated in the U.S. armed forces
2 or as being a resident of this state ~~for at least 5 consecutive years~~ immediately
3 preceding the beginning of any semester or session for which the person registers at
4 an institution; and as meeting any of the following conditions:

5 **SECTION 10.** 38.24 (7) (a) 1m. a. of the statutes is amended to read:

6 38.24 (7) (a) 1m. a. A person who has served on active duty under honorable
7 conditions in the U.S. armed forces, in forces incorporated as part of the U.S. armed
8 forces, in the national guard, or in a reserve component of the U.S. armed forces; who
9 was a resident of this state at the time of entry into that service or resided in this state
10 ~~for at least 5 consecutive years~~ after the person attained the age of 18; and who, while
11 a resident of this state, died on active duty, died as the result of a service-connected
12 disability, or died in the line of duty while on active or inactive duty for training
13 purposes.

14 **SECTION 11.** 38.24 (7) (a) 1m. b. of the statutes is amended to read:

15 38.24 (7) (a) 1m. b. A person who was a resident of this state at the time of entry
16 into service described in subd. 1m. a. or resided in this state ~~for at least 5 consecutive~~
17 ~~years~~ immediately preceding the beginning of any semester or session for which the
18 person's spouse or child described in par. (b) 1., 2., or 3. registers at a technical college,
19 and who the U.S. department of veteran affairs has awarded at least a 30 percent
20 service-connected disability rating under 38 USC 1114 or 1134.

21 **SECTION 12.** 38.24 (7) (a) 1p. of the statutes is amended to read:

22 38.24 (7) (a) 1p. "Fees" means the amount charged to a ~~resident~~ student under
23 sub. (1m) (a) to (c) to enroll in a course leading to an associate degree, collegiate
24 transfer, or vocational diploma. In the case of a distance education, online, or other
25 course for which the amount charged to enroll in the course equals at least 100

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1 percent of the cost of offering the course, “fees” includes the regular fees charged to
2 a ~~resident~~ student under sub. (1m) (a) to (c) to enroll in the course and any additional
3 fees charged to that student under sub. (1m) (a) to (c) to enroll in that course.

4 **SECTION 13.** 38.24 (7) (b) (intro.) of the statutes is amended to read:

5 38.24 (7) (b) (intro.) Except as provided in pars. (bd) and (bg), the district board
6 shall grant full remission of fees for 128 credits or 8 semesters, whichever is longer,
7 less the number of credits or semesters for which the person received remission of
8 fees from any other district board under this subsection and from the Board of
9 Regents under s. 36.27 (3n) (b) and for which the person received tuition offsets under
10 grants under s. 39.49 (2) (a) 1. and less the amount of any fees paid under 38 USC
11 3319, to any ~~resident~~ student who maintains a cumulative grade point average of at
12 least 2.0 and is also any of the following:

13 **SECTION 14.** 38.24 (7) (bd) of the statutes is amended to read:

14 38.24 (7) (bd) If an eligible veteran was not a resident of this state at the time
15 of entry into service described in par. (a) 1m. a., the district board may grant a
16 remission of ~~academic fees and segregated~~ fees under this subsection only if the
17 eligible veteran’s spouse or child described in par. (b) 1., 2., or 3. ~~has~~ resided in this
18 state for at least ~~5~~ consecutive years immediately preceding the spouse’s or child’s
19 enrollment in a technical college.

20 **SECTION 15.** 38.24 (7) (bg) of the statutes is amended to read:

21 38.24 (7) (bg) Before the district board may grant a remission of fees under par.
22 (b), the district board shall require the ~~resident~~ student to apply to the payment of
23 those fees all educational assistance to which the ~~resident~~ student is entitled under
24 38 USC 3319. If that educational assistance covers 100 percent of those fees for a
25 credit or semester, that credit or semester shall not count against the 128 credit or

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1 8 semester limit provided in par. (b). If that educational assistance covers less than
2 100 percent of those fees for a credit or semester and the remission under par. (b)
3 covers the remainder of those fees, the credit or semester shall count against that
4 limit in the proportion that the remission bears to the total fees charged for that
5 credit or semester. This requirement applies notwithstanding the fact that the
6 ~~resident~~ student may be entitled to educational assistance under 10 USC 16132a, 10
7 USC 16163a, or 38 USC 3500 to 3566 as well as under 38 USC 3319, unless the
8 ~~resident~~ student has 12 months or less of eligibility remaining for educational
9 assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566.

10 **SECTION 16.** 38.24 (7) (bm) of the statutes is amended to read:

11 38.24 (7) (bm) 1. For a ~~resident~~ student who is entitled to educational
12 assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 and under
13 38 USC 3319, if the amount of educational assistance, other than educational
14 assistance for tuition, to which the ~~resident~~ student is entitled under 10 USC 16132a,
15 10 USC 16163a, or 38 USC 3500 to 3566 is greater than the amount of educational
16 assistance, other than educational assistance for tuition, that the ~~resident~~ student
17 received under 38 USC 3319, as determined by the higher educational aids board,
18 in the academic year the higher educational aids board shall reimburse the ~~resident~~
19 student for the difference in those amounts of educational assistance, as calculated
20 by the higher educational aids board, from the appropriation account under s. 20.235
21 (1) (fz). The higher educational aids board shall make that determination and
22 calculation in consultation with the board and district board.

23 2. If in any fiscal year there are insufficient moneys available in the
24 appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under
25 subd. 1. to all ~~resident~~ students who are eligible for that reimbursement, the higher

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1 educational aids board and the district board shall reimburse those resident
2 students as provided in s. 39.50 (4).

3 **SECTION 17.** 38.24 (8) (a) 1r. (intro.) of the statutes is amended to read:

4 38.24 (8) (a) 1r. (intro.) “Veteran” means a person who is verified by the
5 department of veterans affairs as being a resident of this state for purposes of
6 receiving benefits under ch. 45; as being a resident of this state at the time of his or
7 her entry into the U.S. armed forces or forces incorporated in the U.S. armed forces
8 or as being a resident of this state ~~for at least 5 consecutive years~~ immediately
9 preceding the beginning of any semester or session for which the person registers at
10 a technical college; and as meeting any of the following conditions:

11 **SECTION 18. Initial applicability.**

12 (1) This act first applies to the first semester or session beginning after the
13 effective date of this subsection.

14 (END)