

AH:ksm;

01/14/2011

1 **AN ACT** *to amend* 20.235 (1) (b), (fe), (ff), (fg) and (km), 20.285 (4) (dd), 20.505 (8)
2 (hm) 10., 36.34 (1) (c) 2. (intro.), 36.34 (1) (c) 2. am., 36.34 (1) (c) 2. b., 39.435 (7)
3 (b) (intro.), 39.435 (7) (b) 2. and 39.435 (7) (b) 2m.; and **to create** 36.34 (1) (c) 2.
4 ag., 36.34 (1) (c) 2. ar., 39.30 (5), 39.435 (7) (a) 3., 39.435 (7) (a) 4., 5. and 6.,
5 39.435 (7) (b) 1g. and 1r., 39.435 (7) (c) and (d) and 39.44 (6) of the statutes;
6 **relating to:** the Wisconsin higher education grant program, tuition grant program,
7 Lawton minority undergraduate grant program, minority undergraduate retention
8 grant program, and making appropriations.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Review of Higher Education Financial Aid Programs.

The draft amends appropriations for various higher education grant programs to make the appropriations sum sufficient rather than sum certain amounts beginning in the 2012–13 fiscal year. Namely, it amends the appropriations for higher education grants awarded to Wisconsin residents enrolled in the University of Wisconsin (UW) System, a technical college, or a tribal college; tuition grants awarded to Wisconsin residents enrolled in accredited, nonprofit institutions; Lawton grants awarded to minority undergraduates enrolled in the UW System; and minority undergraduate retention grants awarded to minority undergraduate students enrolled at least half–time in independent, technical, and tribal institutions in the state.

Under the draft, the sum sufficient appropriations would equal the amount appropriated for those grants in the previous fiscal year (base amount), increased by the average percentage by which the undergraduate academic fees for the next academic year are estimated to exceed those charged during the current academic year.

9 **SECTION 1.** 20.235 (1) (b), (fe), (ff), (fg) and (km) of the statutes are amended to read:

1 20.235 (1) (b) *Tuition grants.* ~~Biennially, the amounts in the schedule~~ A sum sufficient
2 equal to the amount calculated under s. 39.30 (5) for the purposes of s. 39.30.

3 (fe) *Wisconsin higher education grants; University of Wisconsin System students.* A
4 sum sufficient equal to \$37,750,000 in the 2009–10 fiscal year, equal to \$58,345,400 in the
5 2010–11 fiscal year, ~~and equal to the amount calculated under s. 39.435 (7) (b)~~ for the
6 Wisconsin higher education grant program under s. 39.435 for University of Wisconsin
7 System students, except for grants awarded under s. 39.435 (2) or (5), thereafter.

8 (ff) *Wisconsin higher education grants; technical college students.* ~~Biennially, the~~
9 ~~amounts in the schedule~~ A sum sufficient equal to the amount calculated under s. 39.435 (7)
10 (c) for the Wisconsin higher education grant program under s. 39.435 for technical college
11 students, except for grants awarded under s. 39.435 (2) or (5).

12 (fg) *Minority undergraduate retention grants program.* ~~Biennially, the amounts in the~~
13 ~~schedule~~ A sum sufficient equal to the amount calculated under s. 39.44 (6) for the minority
14 undergraduate retention grant program under s. 39.44.

15 (km) *Wisconsin higher education grants; tribal college students.* ~~Biennially, the~~
16 ~~amounts in the schedule~~ A sum sufficient equal to the amount calculated under s. 39.435 (7)
17 (d) for the Wisconsin higher education grant program under s. 39.435 for tribal college
18 students, except for grants awarded under s. 39.435 (2) or (5). All moneys transferred from
19 the appropriation account under s. 20.505 (8) (hm) 10. shall be credited to this appropriation
20 account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each
21 odd-numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

NOTE: This SECTION amends appropriations for the Wisconsin higher education grants, Wisconsin tuition grants, and minority undergraduate retention grants to make the appropriations sum sufficient rather than sum certain.

1 **SECTION 2.** 20.285 (4) (dd) of the statutes is amended to read:

2 20.285 (4) (dd) *Lawton minority undergraduate grants program.* A sum sufficient
3 equal to \$6,399,500 in the 2009–10 fiscal year and \$6,757,900 in the 2010–11 fiscal year, and
4 in subsequent fiscal years a sum sufficient equal to the amount calculated under s. 36.34 (1)
5 (c), for the Lawton minority undergraduate grant program under s. 36.34 (1).

NOTE: This SECTION amends the appropriation for the Lawton minority
undergraduate grants to remove references to sum certain amounts.

6 **SECTION 3.** 20.505 (8) (hm) 10. of the statutes is amended to read:

7 20.505 (8) (hm) 10. The amount transferred to s. 20.235 (1) (km) shall be the amount
8 in the schedule under s. 20.235 (1) (km) as calculated by the higher educational aids board
9 under s. 39.435 (7) (d).

NOTE: This SECTION clarifies the amount of funds transferred to the
appropriation for Wisconsin higher education grants for tribal college
students from Indian gaming receipts shall be calculated by the higher
educational aids board (HEAB) in the manner specified under a new
paragraph created in SECTION 16.

10 **SECTION 4.** 36.34 (1) (c) 2. (intro.) of the statutes is amended to read:

11 36.34 (1) (c) 2. (intro.) ~~Beginning in 2011, biennially, by~~ By February 1, 2012, and
12 biennially thereafter, the board shall calculate the amounts to be appropriated under s. 20.285
13 (4) (dd) for the next biennium as follows:

NOTE: This SECTION amends language related to the appropriation for
Lawton minority undergraduate grants to make it consistent with
language created in other SECTIONS of the draft.

14 **SECTION 5.** 36.34 (1) (c) 2. ag. of the statutes is created to read:

15 36.34 (1) (c) 2. ag. The board shall determine the amount by which the undergraduate
16 academic fees that will be charged for a student to attend the University of
17 Wisconsin–Madison for the next academic year, as estimated by the board, will increase or
18 decrease from the amount of the undergraduate academic fees charged for a student to attend

1 that institution for the current academic year and multiply the amount of that increase by the
2 number of students who are receiving grants from the appropriation account under s. 20.285
3 (4) (dd) for the current academic year.

NOTE: This SECTION adds a step to the calculation of the amount to be appropriated for Lawton minority undergraduate grants to account for any increase or decrease in academic fees for UW–Madison.

4 **SECTION 6.** 36.34 (1) (c) 2. am. of the statutes is amended to read:

5 36.34 (1) (c) 2. am. The board shall determine the percentage by which the
6 undergraduate academic fees that will be charged for the academic year after the next
7 academic year at each institution within the University of Wisconsin System, as estimated by
8 the board, will increase or decrease from the estimated undergraduate academic fees that will
9 be charged for the next academic year.

NOTE: This SECTION adds a step to the calculation of amounts to be appropriated for Lawton minority undergraduate grants to account for any increase or decrease in academic fees at each institution within the UW System.

10 **SECTION 7.** 36.34 (1) (c) 2. ar. of the statutes is created to read:

11 36.34 (1) (c) 2. ar. The board shall determine the amount by which the undergraduate
12 academic fees that will be charged for a student to attend the University of
13 Wisconsin–Madison for the academic year after the next academic year, as estimated by the
14 board, will increase or decrease from the estimated undergraduate academic fees that will be
15 charged for a student to attend that institution for the next academic year and multiply the
16 amount of that increase by the number of students who will be receiving grants from the
17 appropriation account under s. 20.285 (4) (dd) for the next academic year, as estimated by the
18 board.

NOTE: This SECTION adds a step to the calculation of amounts to be appropriated for Lawton minority undergraduate grants to account for

any increase or decrease in academic fees at UW–Madison in the year after next.

1 **SECTION 8.** 36.34 (1) (c) 2. b. of the statutes is amended to read:

2 36.34 **(1)** (c) 2. b. The appropriation for the first fiscal year of the next biennium shall
3 be the result obtained by increasing, to the nearest \$100, the base amount by the average of
4 the percentage increases determined under subd. 2. a. or the amount determined under subd.
5 2. a., whichever is greater, except that, if the undergraduate academic fees for the next
6 academic year are estimated to decrease or not change from the undergraduate academic fees
7 charged for the current academic year at each institution specified in subd. 2. a., the
8 appropriation shall be the base amount.

NOTE: This SECTION amends a provision governing the calculating of Lawton minority undergraduate grants to require the higher of next year's or the year after next year's academic fee increase to be utilized in the calculation.

9 **SECTION 9.** 39.30 (5) of the statutes is created to read:

10 39.30 **(5)** APPROPRIATION CALCULATION. (a) In this subsection:

11 1. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (b) for
12 fiscal year 2012–13, “base amount” means the amount shown in the schedule under s. 20.005
13 (3) for that appropriation for fiscal year 2011–12.

14 2. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (b) for
15 each fiscal year after fiscal year 2012–13, “base amount” means the appropriation amount
16 calculated under par. (b) for the previous fiscal year.

17 (b) By February 1, 2012, and biennially thereafter, the board shall calculate the amount
18 to be appropriated under s. 20.235 (1) (b) for the next biennium as follows:

19 1. The board shall determine the percentage by which the undergraduate academic fees
20 that will be charged for the next academic year at each institution within the University of

1 Wisconsin System, as estimated by the board, will increase or decrease from the
2 undergraduate academic fees charged for the current academic year.

3 2. The board shall determine the amount by which the undergraduate academic fees that
4 will be charged for a student to attend the University of Wisconsin–Madison for the next
5 academic year, as estimated by the board, will increase or decrease from the amount of
6 undergraduate academic fees charged for a student to attend that institution for the current
7 academic year and multiply the amount of that increase by the number of students who are
8 receiving grants from the appropriation account under s. 20.235 (1) (b) for the current
9 academic year.

10 3. The board shall determine the percentage by which the undergraduate academic fees
11 that will be charged for the academic year after the next academic year at each institution
12 within the University of Wisconsin System, as estimated by the board, will increase or
13 decrease from the estimated undergraduate academic fees that will be charged for the next
14 academic year.

15 4. The board shall determine the amount by which the undergraduate academic fees that
16 will be charged for a student to attend the University of Wisconsin–Madison for the academic
17 year after the next academic year, as estimated by the board, will increase or decrease from
18 the estimated undergraduate academic fees that will be charged for a student to attend that
19 institution for the next academic year and multiply the amount of that increase by the number
20 of students who will be receiving grants from the appropriation account under s. 20.235 (1)
21 (b) for the next academic year, as estimated by the board.

22 5. The appropriation for the first fiscal year of the next biennium shall be the result
23 obtained by increasing, to the nearest \$100, the base amount by the average of the percentage
24 increases determined under subd. 1. or the amount determined under subd. 2., whichever is

1 greater, except that, if the undergraduate academic fees for the next academic year are
2 estimated to decrease or not change from the undergraduate academic fees charged for the
3 current academic year at each institution specified in subd. 1., the appropriation shall be the
4 base amount.

5 6. The appropriation for the 2nd fiscal year of the next biennium shall be the result
6 obtained by increasing, to the nearest \$100, the base amount by the average of the percentage
7 increases determined under subd. 3. or the amount determined under subd. 4., whichever is
8 greater, except that, if the undergraduate academic fees for the academic year after the next
9 academic year are estimated to decrease or not change from the estimated undergraduate
10 academic fees charged for the next academic year at each institution specified under subd. 3.,
11 the appropriation shall be the base amount.

NOTE: This SECTION creates a new procedure for the calculation of the appropriation for tuition grants awarded to Wisconsin residents enrolled in accredited, nonprofit institutions.

12 **SECTION 10.** 39.435 (7) (a) 3. of the statutes is created to read:

13 39.435 (7) (a) 3. For purposes of calculating the amount to be appropriated under s.
14 20.235 (1) (ff) for fiscal year 2012–13, “base amount” means the amount shown in the
15 schedule under s. 20.005 for that appropriation for fiscal year 2011–12.

NOTE: This SECTION provides a definition for the term “base amount”, which is referred to in the new calculation procedure established in SECTION 16.

16 **SECTION 11.** 39.435 (7) (a) 4., 5. and 6. of the statutes are created to read:

17 39.435 (7) (a) 4. For purposes of calculating the amount to be appropriated under s.
18 20.235 (1) (ff) for each fiscal year after fiscal year 2012–13, “base amount” means the
19 appropriation amount calculated under par. (c) for the previous fiscal year.

1 5. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (km)
2 for fiscal year 2012–13, “base amount” means the amount shown in the schedule under s.
3 20.005 for that appropriation for fiscal year 2011–12.

4 6. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (km)
5 for each fiscal year after fiscal year 2012–13, “base amount” means the appropriation amount
6 calculated under par. (d) for the previous fiscal year.

NOTE: This SECTION provides definitions for the term “base amount”,
 which is referred to in calculation procedures established in SECTION 16.

7 **SECTION 12.** 39.435 (7) (b) (intro.) of the statutes is amended to read:

8 39.435 (7) (b) (intro.) ~~Biennially, beginning on~~ By February 1, 2012, and biennially
9 thereafter, the board shall calculate the amounts to be appropriated under s. 20.235 (1) (fe) for
10 the next biennium as follows:

11 **SECTION 13.** 39.435 (7) (b) 1g. and 1r. of the statutes are created to read:

12 39.435 (7) (b) 1g. The board shall determine the amount by which the undergraduate
13 academic fees that will be charged for a student to attend the University of
14 Wisconsin–Madison for the next academic year, as estimated by the board, will increase or
15 decrease from the amount of the undergraduate academic fees charged for a student to attend
16 that institution for the current academic year and multiply the amount of that increase by the
17 number of students who are receiving grants from the appropriation account under s. 20.235
18 (1) (fe) for the current academic year.

19 1r. The board shall determine the amount by which the undergraduate academic fees
20 that will be charged for a student to attend the University of Wisconsin–Madison for the
21 academic year after the next academic year, as estimated by the board, will increase or
22 decrease from the estimated undergraduate academic fees that will be charged for a student

1 to attend that institution for the next academic year and multiply the amount of that increase
2 by the number of students who will be receiving grants from the appropriation account under
3 s. 20.235 (1) (fe) for the next academic year, as estimated by the board.

NOTE: This SECTION modifies the procedure for calculating the appropriation for Wisconsin higher education grants awarded to UW System students.

4 **SECTION 14.** 39.435 (7) (b) 2. of the statutes is amended to read:

5 39.435 (7) (b) 2. The appropriation for the first fiscal year of the next biennium shall
6 be the result obtained by increasing, to the nearest \$100, the base amount by the average of
7 the percentage increases determined under subd. 1. or the amount determined under subd. 1g.,
8 whichever is greater, except that, if the undergraduate academic fees for the next academic
9 year are estimated to decrease or not change from the undergraduate academic fees charged
10 for the current academic year at each institution specified in subd. 1., the appropriation shall
11 be the base amount.

NOTE: This SECTION amends the procedure for calculating the appropriation for the Wisconsin higher education grants awarded to UW System students for the first fiscal year of the next biennium.

12 **SECTION 15.** 39.435 (7) (b) 2m. of the statutes is amended to read:

13 39.435 (7) (b) 2m. The appropriation for the 2nd fiscal year of the next biennium shall
14 be the result obtained by increasing, to the nearest \$100, the base amount by the average of
15 the percentage increases determined under subd. 1m. or the amount determined under subd.
16 1r., whichever is greater, except that, if the undergraduate academic fees for the academic year
17 after the next academic year are estimated to decrease or not change from the estimated
18 undergraduate academic fees charged for the next academic year at each institution specified
19 in subd. 1m., the appropriation shall be the base amount.

NOTE: This SECTION amends the procedure for calculating the appropriation for the Wisconsin higher education grants awarded to UW System students for the 2nd fiscal year of the next biennium.

1 **SECTION 16.** 39.435 (7) (c) and (d) of the statutes are created to read:

2 39.435 (7) (c) By February 1, 2012, and biennially thereafter, the board shall calculate
3 the amount to be appropriated under s. 20.235 (1) (ff) for the next fiscal year as follows:

4 1. The board shall determine the percentage by which the program fees that will be
5 charged under s. 38.24 (1m) (a) and (b) for the next academic year, as estimated by the board,
6 will increase or decrease from the undergraduate program fees charged for the current
7 academic year.

8 2. The board shall determine the percentage by which the program fees that will be
9 charged under s. 38.24 (1m) (a) and (b) for the academic year after the next academic year,
10 as estimated by the board, will increase or decrease from the estimated program fees that will
11 be charged for the next academic year.

12 3. The appropriation for the next fiscal year shall be the result obtained by increasing,
13 to the nearest \$100, the base amount by the highest percentage increase determined under
14 subd. 1. or the amount determined under subd. 2., whichever is greater, except that, if the
15 program fees charged under s. 38.24 (1m) (a) and (b) for the current academic year decreased
16 or did not change from the program fees charged for the previous academic year, the
17 appropriation shall be the base amount.

18 4. The appropriation for the 2nd fiscal year of the next biennium shall be the result
19 obtained by increasing, to the nearest \$100, the base amount by the average of the percentage
20 increases determined under subd. 2., except that, if the program fees charged under s. 38.24
21 (1m) (a) and (b) for the academic year after the next academic year are estimated to decrease

1 or not change from the program fees charged for the next academic year, the appropriation
2 shall be the base amount.

3 (d) By February 1, 2012, and biennially thereafter, the board shall calculate the amount
4 to be appropriated under s. 20.235 (1) (km) for the next biennium as follows:

5 1. The board shall determine the percentage by which the undergraduate academic fees
6 charged for the next academic year at each institution within the University of Wisconsin
7 System, as estimated by the board, will increase or decrease from the undergraduate academic
8 fees charged for the current academic year.

9 2. The board shall determine the amount by which the undergraduate academic fees that
10 will be charged for a student to attend the University of Wisconsin–Madison for the next
11 academic year, as estimated by the board, will increase or decrease from the amount of
12 undergraduate academic fees charged for a student to attend that institution for the current
13 academic year and multiply the amount of that increase by the number of students who are
14 receiving grants from the appropriation account under s. 20.235 (1) (km) for the current
15 academic year.

16 3. The board shall determine the percentage by which the undergraduate academic fees
17 that will be charged for the academic year after the next academic year at each institution
18 within the University of Wisconsin System, as estimated by the board, will increase or
19 decrease from the estimated undergraduate academic fees that will be charged for the next
20 academic year.

21 4. The board shall determine the amount by which the undergraduate academic fees that
22 will be charged for a student to attend the University of Wisconsin–Madison for the academic
23 year after the next academic year, as estimated by the board, will increase or decrease from
24 the estimated undergraduate academic fees that will be charged for a student to attend that

1 institution for the next academic year and multiply the amount of that increase by the number
2 of students who will be receiving grants from the appropriation account under s. 20.235 (1)
3 (km) for the next academic year, as estimated by the board.

4 5. The appropriation for the next fiscal year shall be the result obtained by increasing,
5 to the nearest \$100, the base amount by the highest percentage increase determined under
6 subd. 1. or the amount determined under subd. 2., whichever is greater, except that, if the
7 amount of the undergraduate academic fees for the current academic year decreased or did not
8 change from the undergraduate academic fees charged for the previous academic year at each
9 institution specified in subd. 1., the appropriation shall be the base amount.

10 6. The appropriation for the 2nd fiscal year of the next biennium shall be the result
11 obtained by increasing, to the nearest \$100, the base amount by the average of the percentage
12 increases determined under subd. 3. or the amount determined under subd. 4., whichever is
13 greater, except that, if the undergraduate academic fees for the academic year after the next
14 academic year are estimated to decrease or not change from the estimated undergraduate
15 academic fees charged for the next academic year at each institution specified under subd. 3.,
16 the appropriation shall be the base amount.

NOTE: This SECTION creates a new procedure for calculating the
appropriation for Wisconsin higher education grants awarded to
technical college and tribal college students.

17 **SECTION 17.** 39.44 (6) of the statutes is created to read:

18 39.44 (6) APPROPRIATION CHANGES. (a) In this subsection:

19 1. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fg)
20 for fiscal year 2012–13, “base amount” means the amount shown in the schedule under s.
21 20.005 (3) for that appropriation for fiscal year 2011–12.

1 2. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fg)
2 for each fiscal year after fiscal year 2012–13, “base amount” means the appropriation amount
3 calculated under par. (b) for the previous fiscal year.

4 (b) By February 1, 2012, and biennially thereafter, the board shall calculate the amount
5 to be appropriated under s. 20.235 (1) (fg) for the next biennium as follows:

6 1. The board shall determine the percentage by which the undergraduate academic fees
7 that will be charged for the next academic year at each institution within the University of
8 Wisconsin System, as estimated by the board, will increase or decrease from the
9 undergraduate academic fees charged for the current academic year.

10 2. The board shall determine the amount by which the undergraduate academic fees that
11 will be charged for a student to attend the University of Wisconsin–Madison for the next
12 academic year, as estimated by the board, will increase or increase from the amount of
13 undergraduate academic fees charged for a student to attend that institution for the current
14 academic year and multiply the amount of that increase by the number of students who are
15 receiving grants from the appropriation account under s. 20.235 (1) (fg) for the current
16 academic year.

17 3. The board shall determine the percentage by which the undergraduate academic fees
18 that will be charged for the academic year after the next academic year at each institution
19 within the University of Wisconsin System, as estimated by the board, will increase or
20 decrease from the estimated undergraduate academic fees that will be charged for the next
21 academic year.

22 4. The board shall determine the amount by which the undergraduate academic fees that
23 will be charged for a student to attend the University of Wisconsin–Madison for the academic
24 year after the next academic year, as estimated by the board, will increase or decrease from

1 the estimated undergraduate academic fees that will be charged for a student to attend that
2 institution for the next academic year and multiply the amount of that increase by the number
3 of students who will be receiving grants from the appropriation account under s. 20.235 (1)
4 (fg) for the next academic year, as estimated by the board.

5 5. The appropriation for the first fiscal year of the next biennium shall be the result
6 obtained by increasing, to the nearest \$100, the base amount by the average of the percentage
7 increases determined under subd. 1. or the amount determined under subd. 2., whichever is
8 greater, except that, if the undergraduate academic fees for the next academic year are
9 estimated to decrease or not change from the undergraduate academic fees charged for the
10 current academic year at each institution specified in subd. 1., the appropriation shall be the
11 base amount.

12 6. The appropriation for the 2nd fiscal year of the next biennium shall be the result
13 obtained by increasing, to the nearest \$100, the base amount by the average of the percentage
14 increases determined under subd. 3. or the amount determined under subd. 4., whichever is
15 greater, except that, if the undergraduate academic fees for the academic year after the next
16 academic year are estimated to decrease or not change from the estimated undergraduate
17 academic fees charged for the next academic year at each institution specified under subd. 3.,
18 the appropriation shall be the base amount.

NOTE: This SECTION creates a new procedure for calculating the
appropriation for the minority undergraduate retention grants program.

19 **SECTION 18. Effective dates.** This act takes effect on the day after publication, except
20 as follows:

1 (1) TUITION, HIGHER EDUCATION, LAWTON, AND MINORITY UNDERGRADUATE RETENTION
2 GRANTS. The treatment of sections 20.235 (1) (b), (fe), (ff), (fg), and (km), and 20.505 (8) (hm)
3 10. of the statutes takes effect on July 1, 2012.

4 (END)