



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0153/1
JAM:skw

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 382

September 15, 2021 - Offered by Representative MURPHY.

1 **AN ACT** *to renumber and amend* 36.09 (5); *to amend* 36.09 (3) (a), 36.11 (57)
2 (a), 36.11 (57) (c) and 36.27 (1) (a); and *to create* 36.27 (1m), 36.27 (6) (c) and
3 36.27 (6) (d) of the statutes; **relating to:** University of Wisconsin System
4 tuition and fees.

Analysis by the Legislative Reference Bureau

Under current law, the Board of Regents of the University of Wisconsin System may establish for different classes of students differing tuition and fees incidental to enrollment in educational programs or use of facilities in the system. The bill requires the Board of Regents to consult with students in establishing these differing tuition and fees.

This bill also prohibits the Board of Regents from increasing resident undergraduate student tuition and mandatory student fees by more than the increase in the consumer price index (CPI) for the previous year, and provides an exception to the prohibition for the board to increase or create differential tuition amounts under certain conditions, and subject to the approval of the Joint Committee on Finance. The bill defines CPI as the consumer price index for all urban consumers, U.S. city average, as determined by the U.S. Department of Labor. Also, for purposes of the bill, "resident undergraduate tuition" is defined to include any differential tuition and mandatory fees charged to a resident undergraduate student.

The bill also places responsibility for establishing the amount and annual allocation of student fees in the student government of each UWS institution or campus, in consultation with the chancellor and subject to the final confirmation of the Board of Regents. Additionally, a chancellor of an institution may not request board approval of fees for students of an institution without prior approval by the student government of the institution.

In addition, the bill prohibits the Board of Regents from designating a student fee as nonallocable unless the fee is solely for the purpose of repayment of debt that has already been incurred or related to an approved contract that is not up for reauthorization that fiscal year.

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

1 **SECTION 1.** 36.09 (3) (a) of the statutes is amended to read:

2 36.09 (3) (a) The chancellors shall be the executive heads of their respective
3 faculties and institutions and shall be vested with the responsibility of
4 administering board policies under the coordinating direction of the president and
5 be accountable and report to the president and the board on the operation and
6 administration of their institutions. Subject to board policy the chancellors of the
7 institutions in consultation with their faculties shall be responsible for designing
8 curricula and setting degree requirements; determining academic standards and
9 establishing grading systems; defining and administering institutional standards
10 for faculty peer evaluation and screening candidates for appointment, promotion
11 and tenure; recommending individual merit increases; administering associated
12 auxiliary services; and, subject to sub. (5) (b) and s. 36.27 (6) (c), administering all
13 funds, from whatever source, allocated, generated or intended for use of their
14 institutions.

15 **SECTION 2.** 36.09 (5) of the statutes is renumbered 36.09 (5) (a) and amended
16 to read:

1 36.09 (5) STUDENTS. (a) The ~~students~~ student government of each institution
2 or campus subject to the responsibilities and powers of the board, the president, the
3 chancellor, and the faculty shall have primary responsibility for advising the
4 chancellor regarding the formulation and review of policies concerning student life,
5 services, and interests. ~~Students~~

6 **(b)** The student government of each institution or campus in consultation with
7 the chancellor and subject to the final confirmation of the board shall have the
8 responsibility for ~~the disposition of those~~ establishing the amount and annual
9 allocation of student fees which constitute substantial support for campus student
10 activities.

11 **(c)** The students of each institution or campus shall have the right to organize
12 themselves in a manner they determine and to select their representatives to
13 participate in institutional governance.

14 **SECTION 3.** 36.11 (57) (a) of the statutes is amended to read:

15 36.11 (57) (a) The board shall revise its policies regarding student segregated
16 fees to ensure that the classification of those fees as allocable or nonallocable is
17 consistent across institutions. The board shall ensure that no student segregated fee
18 is classified as nonallocable unless the fee is solely for the purpose of repayment of
19 debt that has already been incurred or related to an approved contract that is not up
20 for reauthorization that fiscal year.

21 **SECTION 4.** 36.11 (57) (c) of the statutes is amended to read:

22 36.11 (57) (c) Notwithstanding s. 36.27 (1), and subject to s. 36.27 (1m), the
23 board may not approve an increase in the allocable portion of segregated fees at any
24 institution until the joint committee on finance has approved the board's revised
25 policies in the manner provided in par. (b).

1 **SECTION 5.** 36.27 (1) (a) of the statutes is amended to read:

2 36.27 (1) (a) Subject to par. (b) and sub. (1m), the board, in consultation with
3 students, may establish for different classes of students differing tuition and fees
4 incidental to enrollment in educational programs or use of facilities in the system.
5 Except as otherwise provided in this section, the board may charge any student who
6 is not exempted by this section a nonresident tuition. The board may establish
7 special rates of tuition and fees for the extension and summer sessions and such
8 other studies or courses of instruction as the board deems advisable.

9 **SECTION 6.** 36.27 (1m) of the statutes is created to read:

10 36.27 (1m) RESIDENT UNDERGRADUATE TUITION. (a) In this subsection:

11 1. “Consumer price index” means the consumer price index for all urban
12 consumers, U.S. city average, as determined by the U.S. department of labor.

13 2. “Resident undergraduate tuition” includes:

14 a. Academic fees charged to a resident undergraduate student.

15 b. Any differential tuition charged to a resident undergraduate student.

16 c. Any other mandatory fees charged to a resident undergraduate student that
17 are in addition to instructional fees.

18 (b) Except as provided under par. (c) and sub. (6) (d), the board may not increase
19 resident undergraduate tuition by more than the percentage increase in the
20 consumer price index for the previous year.

21 (c) Subject to par. (d), the board may create or increase course-specific,
22 program-specific, department-specific, or school or college-specific differential
23 tuition that is directly linked to increased costs associated with enrollment in that
24 course, program, department, or school or college.

1 (d) The creation or increase in differential tuition approved by the board under
2 par. (c) may not be implemented unless the board first submits the proposed
3 differential tuition to the joint committee on finance. If the cochairpersons of the
4 committee do not notify the board that the committee has scheduled a meeting for
5 the purpose of reviewing the proposed differential tuition within 14 working days
6 after the date of the submittal, the differential tuition is considered approved and
7 may be implemented. If, within 14 working days after the date of the submittal, the
8 cochairpersons of the committee notify the board that the committee has scheduled
9 a meeting for the purpose of reviewing the proposed differential tuition, the
10 differential tuition may be implemented only upon approval of the committee.

11 **SECTION 7.** 36.27 (6) (c) of the statutes is created to read:

12 36.27 (6) (c) A chancellor may not request board approval of fees for students
13 of an institution without prior approval by the student government of the institution.

14 **SECTION 8.** 36.27 (6) (d) of the statutes is created to read:

15 36.27 (6) (d) A chancellor or institution may submit to the board a request for
16 an increase in the institution's student segregated fees that exceeds the consumer
17 price index, as defined in sub. (1m) (a) 1., only if the increase has been authorized in
18 a referendum by the institution's students. If the mandatory student fee increase is
19 approved by the board, the board shall submit the proposed increase to the joint
20 committee on finance. If the cocharipersons of the committee do not notify the board
21 that the committee has scheduled a meeting for the purpose of reviewing the
22 proposed fee increase within 14 working days after the submittal, the fee increase
23 is considered approved and may be implemented. If, within 14 working days after
24 the date of the submittal, the cochairpersons of the committee notify the board that

1 the committee has scheduled a meeting for the purpose of reviewing the proposed fee
2 increase, the fee increase may be implemented only upon approval of the committee.

3 **SECTION 9. Initial applicability.**

4 (1) The treatment of ss. 36.11 (57) (c), 36.27 (1) (a), and 36.27 (1m) first applies
5 to fees for the first semester or session that begins 30 days after the effective date of
6 this subsection.

7 (2) The treatment of ss. 36.09 (3) (a) and (5), 36.11 (57) (a), and 36.27 (6) (c) and
8 (d) first applies to the tuition charged, and new fees or fee changes that occur, in the
9 first semester or session that begins 3 months after the effective date of this
10 subsection.

11 (END)