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12/14/2010

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 <i>to create</i> 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 2011–12 state fiscal biennium. 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 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.

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.

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SECTION 2. 20.285 (4) (dd) of the statutes is amended to read:
20.285 (4) (dd) Lawton minority undergraduate grants program. A sum sufficient
equal to \$6,399,500 in the 2009–10 fiscal year and \$6,757,900 in the 2010–11 fiscal year, and
in subsequent fiscal years a sum sufficient equal to the amount calculated under s. 36.34 (1)
(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.
SECTION 3. 20.505 (8) (hm) 10. of the statutes is amended to read:
20.505 (8) (hm) 10. The amount transferred to s. 20.235 (1) (km) shall be the amount
in the schedule under s. 20.235 (1) (km) as calculated by the higher educational aids board
<u>under s. 39.435 (7) (d)</u> .
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.
SECTION 4. $36.34(1)(c) 2$. (intro.) of the statutes is amended to read:
36.34 (1) (c) 2. (intro.) Beginning in 2011, biennially, by By February 1, 2011, and
biennially thereafter, the board shall calculate the amounts to be appropriated under s. 20.285
(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.
SECTION 5. $36.34(1)(c) 2$. ag. of the statutes is created to read:
36.34 (1) (c) 2. ag. The board shall determine the amount by which the undergraduate
academic fees that will be charged for a student to attend the University of
Wisconsin-Madison for the next academic year, as estimated by the board, will increase or

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

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. ar., 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 2011–12, "base amount" means the amount shown in the schedule under s. 20.005
13	(3) for that appropriation for fiscal year 2010–11.
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 2011-12, "base amount" means the appropriation amount
16	calculated under par. (b) for the previous fiscal year.
17	(b) By February 1, 2011, 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

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

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

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

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

5. The appropriation for the first fiscal year of the next biennium shall be the result obtained by increasing, to the nearest \$100, the base amount by the average of the percentage 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 2011-12, "base amount" means the amount shown in the
15	schedule under s. 20.005 for that appropriation for fiscal year 2010–11.
	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.
17 18	39.435 (7) (a) 4. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (ff) for each fiscal year after fiscal year 2011–12, "base amount" means the

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1	5. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (km)
2	for fiscal year 2011-12, "base amount" means the amount shown in the schedule under s.
3	20.005 for that appropriation for fiscal year 2010–11.
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 2011–12, "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, 2011, 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.

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

- 2 39.435 (7) (c) By February 1, 2011, 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:

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

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

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

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

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

5 5. The appropriation for the next fiscal year shall be the result obtained by increasing, 6 to the nearest \$100, the base amount by the highest percentage increase determined under 7 subd. 1. or the amount determined under subd. 2., whichever is greater, except that, if the 8 undergraduate academic fees for the current academic year decreased or did not change from 9 the undergraduate academic fees charged for the previous academic year at each institution 10 specified under subd. 1., the appropriation shall be the base amount.

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

(d) By February 1, 2009, and biennially thereafter, the board shall calculate the amount
to be appropriated under s. 20.235 (1) (km) for the next biennium as follows:

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

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

8 3. The board shall determine the percentage by which the undergraduate academic fees 9 that will be charged for the academic year after the next academic year at each institution 10 within the University of Wisconsin System, as estimated by the board, will increase or 11 decrease from the estimated undergraduate academic fees that will be charged for the next 12 academic year.

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

5. The appropriation for the next fiscal year shall be the result obtained by increasing, to the nearest \$100, the base amount by the highest percentage increase determined under subd. 1. or the amount determined under subd. 2., whichever is greater, except that, if the amount of the undergraduate academic fees for the current academic year decreased or did not

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change from the undergraduate academic fees charged for the previous academic year at each institution specified in subd. 1., the appropriation shall be the base amount.

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

9 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 students.

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

11 39.44 (6) APPROPRIATION CHANGES. (a) In this subsection:

12 1. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fg)

13 for fiscal year 2011–12, "base amount" means the amount shown in the schedule under s.

14 20.005 (3) for that appropriation for fiscal year 2010–11.

15 2. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fg)

16 for each fiscal year after fiscal year 2011–12, "base amount" means the appropriation amount

- 17 calculated under par. (b) for the previous fiscal year.
- 18 (b) By February 1, 2011, and biennially thereafter, the board shall calculate the amount
- 19 to be appropriated under s. 20.235 (1) (fg) for the next biennium as follows:
- 20 1. The board shall determine the percentage by which the undergraduate academic fees
- 21 that will be charged for the next academic year at each institution within the University of

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

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

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

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

5. The appropriation for the first fiscal year of the next biennium shall be the result obtained by increasing, to the nearest \$100, the base amount by the average of the percentage 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 calculating the appropriation for the minority undergraduate retention grants program. 12 **SECTION 18. Effective dates.** This act takes effect on the day after publication, except 13 as follows: 14 (1) TUITION, HIGHER EDUCATION, LAWTON, AND MINORITY UNDERGRADUATE RETENTION 15 GRANTS. The treatment of sections 20.235 (1) (b), (ff), (fg), and (km), and 20.505 (8) (hm) 10. 16 of the statutes takes effect on January 1, 2013. COMMENT: Does an effective date of January 1, 2013 reflect the intent of the committee? 17 (END)