

Publication Date: March 20, 2009
Effective: March 20, 2009 through August 16, 2009

**ORDER OF THE WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
ADOPTING EMERGENCY RULES**

The Wisconsin Technical College System Board proposes an order adopting the following emergency rule to amend Chapter TCS 17, relating to training program grant funds appropriated in 2009 Wisconsin Act 2.

ANALYSIS PREPARED BY THE WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD

1. **Statutes interpreted:** Wis. Stats. § 20.292(1)(eh) and § 38.41
2. **Statutory authority:** Wis. Stats. § 38.41
3. **Explanation of agency authority:** Section 38.41(4), Stats., authorizes the technical college system board to promulgate rules to implement and administer the awarding of grants to technical college district boards to provide skills training or other education related to the needs of business.
4. **Related statute or rule:** TCS 17.06(1)
5. **Plain language analysis:** A 25% match is required as a condition of grant awards. The purpose of the rule is to eliminate the match requirement for training program grants funded by 2009 Wisconsin Act 2.
6. **Summary of, and comparison with, existing or proposed federal regulations:** not applicable
7. **Comparison with rules in adjacent states:** not applicable
8. **Summary of factual data and analytical methodologies:** not applicable
9. **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:** not applicable
10. **Effect on small business:** A portion of the training program grant funding is set aside for small businesses, but none of the funds appropriated under 2009 Wisconsin Act 2 are subject to this small business provision. Small businesses may access training or education through the training program grants, but there is no mandated participation in the program.
11. **Agency contact person:** Morna Foy, Executive Assistant, Wisconsin Technical College System, 4622 University Avenue, P.O. Box 7874, Madison, Wisconsin 53707-7874, telephone (608) 266-2449, e-mail morna.foy@wtcsystem.edu.
12. **Place where comments are to be submitted and deadline for submission:** As an emergency rule, comments will not be requested prior to adoption of the rule.

TEXT OF RULE

SECTION 1. Section TCS 17.06 is amended to read:

**CHAPTER TCS 17 (title)
TRAINING PROGRAM GRANTS**

TCS 17.06 CONDITIONS OF THE GRANT AWARD. (1) District boards or employers receiving skills training or education under the grant shall contribute matching funds, other than in-kind matching funds, equal to at least 25% of total approved project costs.

(a) For grants funded with dollars appropriated in 2009 Wisconsin Act 2, no matching funds are required.

(2) Grant award funds, including matching funds, may not be used for administration, marketing, or indirect costs.

(3) The board may establish limitations on the percentage of the grant award funds and matching funds that may be used to purchase or lease instructional materials, software, equipment or supply items and that may be used to fund staff development costs. Such limitations shall be specified in the grant guidelines approved by the board under TCS 17.03(2).

EFFECTIVE DATE

This emergency rule shall take effect on the date of publication in the official state newspaper as provided in s 227.24(1)(c), Wis. Stats. Published March 20, 2009.

FINDING OF EMERGENCY

The Wisconsin Technical College System Board finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting an emergency is:

The 2009 Wis. Act 2 (the 2007-09 budget repair bill) provided an additional \$1,000,000 GPR to the existing annual appropriation of \$3,000,000 GPR for the training program grants authorized in Wis. Stats. §§ 20.292(1)(eh) and 38.41. These funds were provided to address a critical need of Wisconsin employers for skills training and education necessary to protect the state's economic vitality and health, with a special emphasis on advanced manufacturing and welding.

The Act requires the WTCS Board to award these funds by June 30, 2009 or the end of the current 2008-09 fiscal year. In addition, TCS 17.06(1), *Wis. Adm. Code* requires that district boards or employers receiving skills training or education under the grant shall contribute matching funds, other than in-kind matching funds, equal to at least 25% of total approved project costs.

Due to declining economic conditions and reduced business revenues, technical college districts report that employers are withdrawing participation in approved training grants because of an inability to fund the 25% match. Therefore, to ensure that business and incumbent workers in need of skills training and other education may access these services and that appropriated funds are distributed to technical college districts for this purpose before the end of the fiscal year, emergency administrative rules eliminating the 25% match requirement must be established immediately.

FINAL REGULATORY FLEXIBILITY ANALYSIS

Not applicable.

FISCAL ESTIMATE

The functions required by these rules can be absorbed within existing staff. Therefore, there is no fiscal effect on the agency.

CONTACT PERSON

Questions concerning these rules may be directed to Morna Foy, Executive Assistant, Wisconsin Technical College System, Morna Foy, Executive Assistant, Wisconsin Technical College System, 4622 University Avenue, P.O. Box 7874, Madison, Wisconsin 53707-7874, telephone (608) 266-2449, e-mail morna.foy@wtcsystem.edu.