

**Publication Date:** July 2, 2010  
**Effective Dates:** July 2, 2010 through November 28, 2010

**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.

**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
- 5. Plain language analysis:** TCS 17 relates to training grants for technical college districts that provide skills training or other education related to the needs of business. A 25% match is required as a condition of the grant awards. The proposed amendment would eliminate the match requirement.
- 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:** Positive effect -- without the 25% match requirement, small businesses may be better able to take advantage of the training or education funding opportunities provided by this grant. 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@wtcssystem.edu](mailto:morna.foy@wtcssystem.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:

**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.~~

(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.

### **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 Wisconsin Technical College System (WTCS) 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:

In May 2010, the Wisconsin C.O.R.E. Jobs Act provided an additional \$1 million 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 WTCS Board is required to award these funds by June 30, 2011, the end of the current 2009-11 biennium. 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 the sustained decline in economic conditions and reduction in 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.

Identical permanent rules are being proposed concurrent to this emergency order, however, that process will take several months to complete.

## **FINAL REGULATORY FLEXIBILITY ANALYSIS**

Not applicable.

## **FISCAL ESTIMATE**

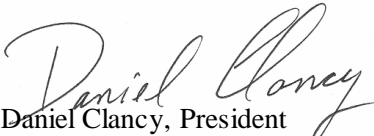
The functions required by these rules can be absorbed within existing staff. Therefore, there is no fiscal effect on the agency.

## **CONTACT PERSON**

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

Dated this 28<sup>th</sup> day of June, 2010.

Wisconsin Technical College System Board

A handwritten signature in cursive script that reads "Daniel Clancy".

Daniel Clancy, President  
Wisconsin Technical College System