

State of Wisconsin



2023 Senate Bill 702

Date of enactment: **January 31, 2024**

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2023 WISCONSIN ACT 89

AN ACT *to amend* 38.28 (1m) (a) 1.; and *to create* 38.34 of the statutes; **relating to:** funding for technical college oral health care programs.

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

SECTION 1. 38.28 (1m) (a) 1. of the statutes is amended to read:

38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a technical college district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under ss. 38.12 (9) and (14), 38.14 (3) and (9), and 118.15 (2) (a), all receipts from grants awarded under ss. 38.04 (8), (28), and (31), 38.14 (11), 38.26, 38.27, 38.31, 38.33, 38.34, 38.38, and 38.42, all fees collected under s. 38.24, and driver education and chauffeur training aids.

SECTION 2. 38.34 of the statutes is created to read:

38.34 Funding to expand the oral health care workforce. (1) In this section, "eligible expenditures" means any of the following:

- (a) Capital expenditures, such as expenditures for equipment or facility improvements or expansion.
- (b) Expenditures for instructional supplies, teaching materials and resources, consumables, or clinic fees.
- (c) Instructor bonuses if the requirements in sub. (3) are satisfied.

(2) (a) In the 2023–25 fiscal biennium, the board, in coordination with district boards, may submit to the joint committee on finance a request for funding in the 2023–25 fiscal biennium, in a total amount not exceeding \$20,000,000, for district board programs to expand the state's oral health care workforce. Subject to par. (b) and sub. (5), the request for funding shall include a plan that identifies each district board that requests funding, the amount of funding the district board requests, and a detailed description of the eligible expenditures for which the requested funding would be used.

(b) The plan under par. (a) shall include requests for all of the following:

1. For the district board of Northcentral Technical College, up to \$2,000,000 to expand current dental hygienist and dental assistant programs and for development of a dental therapy program if dental therapy becomes an authorized dental practice.
2. For any district board that offers a dental hygienist program on the effective date of this subdivision [LRB inserts date], other than the district board of Northcentral Technical College, up to \$1,430,000.
3. For any district board that offers no dental program or only a dental assistant program on the effective date of this subdivision [LRB inserts date], up to \$1,000,000 to create a new program or expand the existing program.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(c) The requirement under par. (b) does not preclude a request for funding in the plan of any additional amount for a district board for a purpose permissible under sub. (5).

(3) (a) Funding provided by the board to a district board under this section may be used to pay newly hired instructors a hiring bonus not exceeding \$5,000 per instructor if all of the following apply:

1. The instructor is hired into a position that is at least a 0.5 full-time equivalent position.

2. The instructor's work responsibilities require the instructor to devote an amount of time at least equal to a 0.5 full-time equivalent position teaching courses in an oral health care program.

3. The district board provides matching funding for the bonus in an amount equal to or greater than the amount of the funds provided under this subsection.

4. The instructor agrees in writing to continue employment with the district board for at least 3 years in a position that satisfies the requirements in subds. 1. and 2.

5. The district board commits to pay the retention bonus under sub. (4), from funds other than the grant awarded under this section, if the conditions in sub. (4) are satisfied.

6. The instructor was not employed by the district board, or by any other district board, at any time in the 75-day period immediately preceding the effective date of this subdivision [LRB inserts date].

(b) 1. The agreement under par. (a) 4. shall specify that, except as provided in subds. 2. to 4., if the instructor discontinues employment with the district board less than 3 years after the instructor's first day of employment, the instructor is required to repay the hiring bonus as follows:

a. All of the bonus if the term of employment was less than one year.

b. Two-thirds of the bonus if the term of employment was at least one year but less than 2 years.

c. One-third of the bonus if the term of employment was at least 2 years but less than 3 years.

2. If the instructor discontinues employment with the district board to begin employment with a different district board, in a position that is at least a 0.5 full-time equivalent position, as an instructor in an oral health care program, the repayment requirement under subd. 1. does not apply and the 3-year period under par. (a) 4. continues in effect from the instructor's first day of employment with the district board that paid the hiring bonus.

3. If a district board pays an instructor a hiring bonus under par. (a) and the instructor is terminated for cause less than 3 years after the instructor's first day of employment, the instructor is required to repay all of the bonus.

4. If a district board pays an instructor a hiring bonus under par. (a) and the instructor is terminated for a reason other than cause, including as a result of budgetary con-

straints or program changes, the instructor is not required to repay the bonus.

(c) An instructor who is simultaneously employed by 2 district boards may not receive more than one bonus under this subsection.

(4) The district board shall pay to an instructor who receives a hiring bonus under sub. (3) a retention bonus in the amount of \$5,000 if, 5 years after the date the bonus under sub. (3) was paid, the instructor remains employed by the district board in a position that meets the requirements under sub. (3) (a) 1. and 2.

(5) The plan under sub. (2) shall include sufficient information for the joint committee on finance to determine that, for each district board program for which funding is requested, all of the following requirements are satisfied:

(a) Funding will be used only for eligible expenditures to expand a district board's existing oral health care program that has a capacity limit and a current waiting list for program admission or to create a new oral health care program offered by the district board after the district board's finding of demonstrated community interest in and need for the program.

(b) Except as provided in sub. (3) (a) 3., the district board will provide matching funding, from sources other than this section, of at least 20 percent of the amount requested in the plan to pay costs associated with the district board's new or expanded oral health care program.

(6) If the joint committee on finance determines that the requirements in subs. (2) and (5) are satisfied, the joint committee on finance may approve the plan and request for funding, as proposed or as modified.

(7) Upon approval under sub. (6), the joint committee on finance may provide funding from the appropriation under s. 20.865 (4) (a), in an amount determined by the joint committee on finance but not exceeding a total of \$20,000,000, to the board for distribution to the applicable district boards as provided in the approved plan.

(8) (a) From the funding received under sub. (7), the board shall reimburse each district board for its eligible expenditures under the approved plan if the board finds the district board complied with the requirements under this section.

(b) If a district board has not requested reimbursement from the board within 12 months after the joint committee on finance approves the plan or if the district board informs the board that it will not implement the program changes described in the approved plan, the board may submit a request to the joint committee on finance to redistribute the funds allocated for that district board to another district board to be used for a purpose consistent with this section. The request shall identify each district board to which funding is to be reallocated and the amount to be reallocated to each, along with a detailed description of the eligible expenditures for

which the reallocated funding would be used. The request shall also include the same information that was required under sub. (5) for the original plan.

(c) If, within 14 working days after receiving the request under par. (b), the cochairpersons of the joint committee on finance do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the request, the request is considered approved and the board may implement the reallocation of funding proposed in the request. If, within 14 working days after the date of the request, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the request, the request is approved only upon the committee's express approval, as requested or as modified.

(d) From reallocated funding approved under par. (c), the board shall reimburse a district board for its approved eligible expenditures if the board finds the district board complied with the requirements under this section.

(9) Not later than January 1, 2026, a district board that receives funding under this section shall report to the board the amount of funding the district board received, a detailed description of all expenditures for which the funding was used, and the impact of the funding on the district board's oral health care programs. Not later than March 1, 2026, the board shall submit to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) a report summarizing this information received from the district boards.