

CERTIFICATE

**ORDER ADOPTING RULES OF THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD AMENDING RULE
RELATING TO FACILITY DEVELOPMENT PROCEDURES**

The Wisconsin Technical College System Board proposes an order to repeal TCS 5.04 (1) (b) and (e) 2., (2) (b), (d) 3., (j), and (k), (3) (b) and (d) 2., and (4) (b), (d) 2., and (j) and 5.05 (3); and to amend TCS 5.04 (1) (e) 4., (2) (d) 5., (3) (d) 4., and (4) (d) 4. and (i), 5.06, and 5.09 (1) and (2), relating to Facility Development Procedures. The scope statement for this rule, SS 033-13, was approved by the Governor on March 27, 2013, and published in Register No. 688 on April 14, 2013.

**ANALYSIS PREPARED BY THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD**

1. **Statutes interpreted:** Wis. Stats. s. 38.04 (10)
2. **Statutory authority:** Wis. Stats. ss. 38.04 (10) and 227.11 (2) (a)
3. **Explanation of agency authority:** Wis. Stats. s. 38.04 (10), Stats., states that the technical college system board shall review and approve any proposals by district boards for land acquisition, additional or new facilities, rentals or remodeling of existing facilities.
4. **Related statute or rule:** Wis. Stats. s. 38.15
5. **Plain language analysis:** The Wisconsin Technical College System (WTCS) recently reviewed the Facility Development Procedures contained in Chapter TCS 5 of the Wis. Admin. Code to ensure that the process is efficient for both the System and its colleges while maintaining a high quality process that supports the statutory responsibilities of the WTCS Board. The proposed modifications to the code will eliminate redundancy within the process, steps that are no longer required, information that is already available to the WTCS, and information that is not available at the time of facility approval. In addition, the definitions of both minor remodeling and minor rentals have not been updated since the 1980's and the proposed modifications take into account inflation, more closely aligns rentals to other procurement standards, and allows the WTCS to focus on larger more complicated projects.
6. **Summary of, and comparison with, existing or proposed federal regulations:**
There are no federal rules regarding technical college facility development procedures.
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:** None
11. **Agency contact person:** Nancy A. Merrill, Senior Policy Advisor & Federal Relations Officer, Wisconsin Technical College System, 4622 University Avenue, P.O. Box 7874, Madison, Wisconsin 53707-7874, telephone (608) 267-9514, e-mail nancy.merrill@wtcssystem.edu
12. **Place where comments are to be submitted and deadline for submission:** Comments may be submitted to the agency contact person listed above. The deadline for comments was **August 1, 2013**. A public hearing was scheduled.

PUBLIC HEARING SUMMARY

A public hearing was held on August 1, 2013. No comments were received. No modifications to the rule were made.

RESPONSE TO THE LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS

The Legislative Council staff recommendations were technical in nature related to numbering of sections and formatting of rule. The recommended changes were accepted in full.

FINAL REGULATORY FLEXIBILITY ANALYSIS AND ECONOMIC IMPACT REPORTS

Attached.

TEXT OF RULE

SECTION 1. TCS 5.04 (1) (b) and (e) 2. are repealed.

SECTION 2. TCS 5.04 (1) (e) 4. is amended to read:

TCS 5.04 Contents of submittal. (1) LAND ACQUISITION. A district board shall submit the following information relative to proposals for land acquisition for evaluation by the board:

4. ~~Enrollment~~ Relevant program trend data for the district, including enrollment and placement data as available. ~~for all program areas and the program area to be expanded.~~

SECTION 3. TCS 5.04 (2) (b) and (d) 3. are repealed.

SECTION 4. TCS 5.04 (2) (d) 5. is amended to read:

(2) **ADDITIONAL AND NEW FACILITIES.** A district board shall submit the following information relative to proposal for additional or new facilities for evaluation by the board:

5. ~~Enrollment~~ Relevant program trend data for the district, including enrollment and placement data as available. ~~for all program areas and the program area to be expanded.~~

SECTION 5. TCS 5.04 (j), and (k), (3) (b) and (d) 2. are repealed.

SECTION 6. TCS (3) (d) 4. is amended to read:

(3) **RENTALS.** Except as provided under s. TCS 5.09 (2), a district board shall submit the following information relative to proposals for rentals for evaluation by the board:

4. ~~Enrollment~~ Relevant program trend data for the district, including enrollment and placement data as available. ~~for all program areas and the program area to be expanded.~~

SECTION 7. TCS 5.04 (4) (b), and (d) 2., are repealed.

SECTION 8. TCS 5.04 (4) (d) 4. and (i) are amended to read:

(4) **REMODELING.** Except as provided under s. TCS 5.09 (1), a district board shall submit the following data relative to proposals for remodeling existing facilities for evaluation by the board:

4. ~~Enrollment~~ Relevant program trend data for the district, including enrollment and placement data as available. ~~for all program areas and the program area to be expanded.~~

(i) ~~A list of the various sources of building energy available and a plan for performing a life cycle costs analysis for an alternate form of energy.~~ A copy of the district energy study analysis indicating compliance with the requirements under s. 1.12, Stats.

SECTION 9. TCS 5.04 (4) (j) is repealed.

SECTION 10. TCS 5.05 (3) is repealed.

SECTION 11. TCS 5.06 is amended to read:

TCS 5.06 Notification of review. The director shall notify the district board at least ~~14~~ 7 days prior to board review of the proposals for land acquisition, additional or new facilities, rentals or remodeling of existing facilities of the director's recommendation to the board and the rationale for the recommendation. The district board or its designee may appear before the board to submit any data or information in support of the district board's proposal.

SECTION 12. TCS 5.09 (1) and (2) are amended to read:

TCS 5.09 Exclusion of minor remodeling and minor rentals. (1) Remodeling of existing facilities where project costs for a fiscal year do not exceed ~~\$30,000~~ 100,000 per single campus site, as determined by the board under s. TCS 7.07 (6), are considered minor remodeling and are exempt from board review and approval under s. 38.04 (10) (a), Stats., and this chapter.

(2) Rentals ~~to provide community service programs of \$50,000 or less and where the term of the lease is less than one year and the property is leased from the state, or from a city, village, town, county or school district~~ three 3 years or less are considered minor rentals and are exempt from approval under s. 38.04 (10) (a), Stats., and this chapter.

SECTION 13. EFFECTIVE DATE

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Dated this 1st day of November, 2013.

Wisconsin Technical College System Board



_____ Morna K. Foy, President

Wisconsin Technical College System