



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5132/1
ARG:amn/cdc/wlj

2023 SENATE BILL 702

November 21, 2023 - Introduced by Senators FELZKOWSKI, COWLES, NASS, TAYLOR, TESTIN and SPREITZER, cosponsored by Representatives MELOTIK, MOSES, BINSFELD, CALLAHAN, DITTRICH, GUNDRUM, ORTIZ-VELEZ and MURPHY. Referred to Committee on Economic Development and Technical Colleges.

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

Analysis by the Legislative Reference Bureau

This bill specifies that the Joint Committee on Finance may provide up to \$20,000,000 in funding in the 2023–25 fiscal biennium, from the JCF supplemental appropriation, for technical college programs to expand the state’s oral health care workforce. The Technical College System Board, in coordination with the technical colleges, may submit a request to JCF for this funding with a plan that identifies each technical college that requests funding, the amount of funding requested, and a detailed description of the eligible expenditures for which the funding would be used. The bill defines “eligible expenditures” as 1) capital expenditures, such as expenditures for equipment or facility improvements or expansion; 2) expenditures for instructional supplies, teaching materials and resources, consumables, or clinic fees; and 3) hiring bonuses of up to \$5,000 for oral health care instructors if certain requirements are satisfied. The plan must also include requests for 1) up to \$2,000,000 for Northcentral Technical College 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) up to \$1,430,000 for any other technical college that offers a dental hygienist program; and 3) up to \$1,000,000 for any technical college that offers no dental program or only a dental assistant program, to create a new program or expand an existing program. However, the plan may also include, for these technical colleges, requests for additional funding for purposes consistent with the bill. The plan must include sufficient information for

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JCF to determine that 1) the requested funding will be used only for eligible expenditures to expand a technical college's existing oral health care program that has a capacity limit and a current waiting list or to create a new oral health care program after a finding of demonstrated community interest in and need for the program; and 2) the technical college will provide 20 percent matching funding, except that the technical college must provide no less than 50 percent matching funding for instructor hiring bonuses.

Under the bill, if JCF approves the plan (as proposed or as modified), JCF provides funding to the TCS Board. The TCS Board then reimburses each technical college for its eligible expenditures under the approved plan if the TCS Board finds the technical college complied with the requirements in the bill. If a technical college has not requested reimbursement from the TCS Board within 12 months after JCF approves the plan or if the technical college informs the TCS Board that it will not implement the program changes described in the approved plan, the TCS Board may submit a request to JCF to redistribute the funds allocated for that technical college to another technical college to be used for a purpose consistent with the bill. The request must include certain information and is submitted to JCF for approval under a 14-day passive review process.

The bill also requires a report to the legislature that includes the amount of funding each technical college received, a detailed description of all expenditures for which the funding was used, and the impact of the funding on the technical college's oral health care programs.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 38.28 (1m) (a) 1. of the statutes is amended to read:
2 38.28 **(1m)** (a) 1. "District aidable cost" means the annual cost of operating a
3 technical college district, including debt service charges for district bonds and
4 promissory notes for building programs or capital equipment, but excluding all
5 expenditures relating to auxiliary enterprises and community service programs, all
6 expenditures funded by or reimbursed with federal revenues, all receipts under ss.
7 38.12 (9) and (14), 38.14 (3) and (9), and 118.15 (2) (a), all receipts from grants
8 awarded under ss. 38.04 (8), (28), and (31), 38.14 (11), 38.26, 38.27, 38.31, 38.33,

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1 38.34, 38.38, and 38.42, all fees collected under s. 38.24, and driver education and
2 chauffeur training aids.

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

4 **38.34 Funding to expand the oral health care workforce. (1)** In this
5 section, “eligible expenditures” means any of the following:

6 (a) Capital expenditures, such as expenditures for equipment or facility
7 improvements or expansion.

8 (b) Expenditures for instructional supplies, teaching materials and resources,
9 consumables, or clinic fees.

10 (c) Instructor bonuses if the requirements in sub. (3) are satisfied.

11 **(2)** (a) In the 2023–25 fiscal biennium, the board, in coordination with district
12 boards, may submit to the joint committee on finance a request for funding in the
13 2023–25 fiscal biennium, in a total amount not exceeding \$20,000,000, for district
14 board programs to expand the state’s oral health care workforce. Subject to par. (b)
15 and sub. (5), the request for funding shall include a plan that identifies each district
16 board that requests funding, the amount of funding the district board requests, and
17 a detailed description of the eligible expenditures for which the requested funding
18 would be used.

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

20 1. For the district board of Northcentral Technical College, up to \$2,000,000 to
21 expand current dental hygienist and dental assistant programs and for development
22 of a dental therapy program if dental therapy becomes an authorized dental practice.

23 2. For any district board that offers a dental hygienist program on the effective
24 date of this subdivision [LRB inserts date], other than the district board of
25 Northcentral Technical College, up to \$1,430,000.

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1 3. For any district board that offers no dental program or only a dental assistant
2 program on the effective date of this subdivision [LRB inserts date], up to
3 \$1,000,000 to create a new program or expand the existing program.

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

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

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

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

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

17 4. The instructor agrees in writing to continue employment with the district
18 board for at least 3 years in a position that satisfies the requirements in subds. 1. and
19 2.

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

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

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

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

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

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

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

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

19 4. If a district board pays an instructor a hiring bonus under par. (a) and the
20 instructor is terminated for a reason other than cause, including as a result of
21 budgetary constraints or program changes, the instructor is not required to repay the
22 bonus.

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

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

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

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

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

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

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

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

4 (b) If a district board has not requested reimbursement from the board within
5 12 months after the joint committee on finance approves the plan or if the district
6 board informs the board that it will not implement the program changes described
7 in the approved plan, the board may submit a request to the joint committee on
8 finance to redistribute the funds allocated for that district board to another district
9 board to be used for a purpose consistent with this section. The request shall identify
10 each district board to which funding is to be reallocated and the amount to be
11 reallocated to each, along with a detailed description of the eligible expenditures for
12 which the reallocated funding would be used. The request shall also include the
13 same information that was required under sub. (5) for the original plan.

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

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

