

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

CR 03-004

The Wisconsin Department of Transportation proposes an order to repeal TRANS 403.02(2) and 403.04(4)(note); amend TRANS 403(title), 403.01, 403.02(3), 403.03, 403.04(1), (2), (3)(a)(intro.), (a)1., 3. to 5., (b) and (5) to (7), and 403.05; and create TRANS 403.02(4m), relating to the Loan Repayment Incentive Grant Program

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



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PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 85.107, Stats., amended by 2001 Wis. Act 16 (the 2001-03 biennial budget act)

STATUTES INTERPRETED: s. 85.107, Stats.

General Summary of Proposed Rule. This rule making will amend ch. Trans 403, relating to the Scholarship and Loan Repayment Incentive Grant Program, to conform to the statutory changes of s. 85.107, amended by 2001 Wis. Act 16 (the 2001-03 biennial budget act). The changes will allow the Department to recruit and select from an expanded class of targeted group members for program inclusion under any job classification, not just the Civil Engineering classification.

Section 85.107, Stats., relating to the Scholarship and Loan Payment Incentive Grant Program, allows for the assistance in improving the representation of targeted group members within job classifications in which targeted group members are underutilized in the Department.

Ch. Trans 403 currently exists to allow minorities to participate in the Loan Repayment Incentive Grant Program as civil engineers. Expanding the class of recipients and the job classifications consistent with recent changes to s. 85.107, Stats., will allow the Department to expand the recruitment search for program inclusion to place targeted group members in any underutilized position in the Department.

This proposed rule also eliminates some administrative requirements regarding the timing of program applications and payments, and of program management within the Department.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Copies of Proposed Rule. Copies of the proposed rule may be obtained upon request, without cost, by writing to Randy Sarver, Department of Transportation, Bureau of Human Resource Services, Room 410, P. O. Box 7915, Madison, WI 53707-7915, or by calling (608) 266-7892. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2
TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 85.107, Stats., amended by 2001 Wis. Act 16 (the 2001-03 biennial budget act), Stats., the department of transportation hereby proposes to amend a rule interpreting s. 85.107, Stats., relating to the Loan Repayment Incentive Grant Program.

SECTION 1. Chapter Trans 403(title) is amended to read:

**~~MINORITY CIVIL ENGINEER SCHOLARSHIP AND~~
~~LOAN REPAYMENT INCENTIVE GRANT PROGRAM~~**

SECTION 2. Trans 403.01 is amended to read:

Trans 403.01(1) PURPOSE. The purpose of this chapter is to set forth the department of transportation's administrative interpretation of s. 85.107, Stats., and to prescribe the administrative policies and procedures for implementing the ~~minority civil engineer scholarship and loan repayment incentive grant program~~ for improving the representation of targeted group members within job classifications in which targeted group members are underutilized in the department.

SECTION 3. Trans 403.02(2) is repealed.

SECTION 4. Trans 403.02(3) is amended to read:

Trans 403.02(3) "Program" means the ~~minority civil engineer scholarship and loan repayment incentive grant program~~ authorized under s. 85.107, Stats.

SECTION 5. Trans 403.02(4m) is created to read:

Trans 403.02(4m) "Targeted group member" means a person with disabilities, or a person who belongs to a class of race, color, or sex, whose percent of the workforce within any job classification in the department is less than that class's percent of the statewide labor market for such job activities.

SECTION 6. Trans 403.03(title) is amended to read:

Trans 403.03 (title) Program administration committee.

SECTION 7. Trans 403.03(1) is repealed.

SECTION 8. Trans 403.03(2) is renumbered Trans 403.03 and amended to read:

Trans 403.03 ~~(2) COMMITTEE.~~ The department shall establish a committee consisting of representatives ~~of the divisions identified in sub. (1) of at least 2 divisions within the department~~ for the purpose of screening applicants for scholarships, evaluating scholarship recipients for continuing participation in the program and screening applicants for loan repayment incentive grants. The committee shall be coordinated by the department's human resources office and shall include administrator of the division of highways or the administrator's designee, the department representatives from affirmative action and equal employment opportunity officer for the department and one representative representatives from each ~~transportation district divisions within the department~~ that ~~provides~~ provide training or work experience for students in the program. The committee may establish criteria in addition to those specified in this chapter in order to perform its screening and evaluation functions. The committee may conduct personal interviews of applicants and program participants or may provide for such the interviews to be conducted by a panel selected by the committee.

SECTION 9. Trans 403.04(1), (2), (3)(a)(intro.) and (a)1. are amended to read:

Trans 403.04(1) **SELECTION PROCESS.** The department shall annually select scholarship recipients on the basis of written application materials, any criteria developed by the committee under s. Trans 403.03(2) 403.03 and personal interviews. Recipients of scholarships are required to submit new applications for each subsequent academic year for which scholarship aid is sought.

(2) SCHEDULE. The department shall establish annually a schedule for the distribution and submission of application materials. ~~The schedule shall provide for the submission of application materials to the department at the end of the winter-spring academic term for scholarships to be awarded for the following academic year.~~ The schedule shall include a recruitment program ~~during the winter-spring academic term~~ to inform prospective applicants of the scholarships, training and employment opportunities available under the program.

(3)(a)(intro.) To qualify for a ~~minority civil engineer~~ scholarship, a person shall meet all of the following criteria:

1. Be a ~~minority~~ targeted group member.

SECTION 10. Trans 403.04(3)(a)3. and 4. are repealed and recreated to read:

Trans 403.04(3)(a)3. Be one of the following:

a. Enrolled full time, or the equivalent, and registered as a sophomore, junior or senior in a bachelor degree program offered by an accredited institution of higher education in this state.

b. Registered in his or her 2nd year of full-time, or the equivalent, enrollment in an associate degree program, as defined in s. 38.01(1), Stats., or vocational diploma program, as defined in s. 38.01(11), Stats., at a technical college in this state.

4. Demonstrate satisfactory academic progress in a program under subd. 3.a. or b. that relates to a job classification in which targeted group members are underutilized in the department.

SECTION 11. Trans 403.04(3)(a)5., (b) and (4) to (7) are amended to read:

Trans 403.04(3)(a)5. Demonstrate an interest in ~~civil engineering~~ training and employment opportunities ~~with the department~~ and in program activities in a job classification in which targeted group members are underutilized in the department.

(b) The department shall adopt the determination of the institution of higher education in which a person is enrolled with respect to whether a person demonstrates satisfactory academic progress ~~in a civil engineering bachelor of science program.~~

(4) APPLICATION PROCESS. An applicant for a scholarship shall submit to the department a completed application form materials prescribed by the department, a statement of interest in the program, a certified copy of the applicant's transcript and such other information as the department may request.

NOTE: The ~~Minority Engineering Program Application form—AP750-~~ application materials can ~~may~~ be obtained from the Wisconsin Department of Transportation, Bureau of Human Resource Services, P. O. Box 7915, Room 432-B 410, Madison, WI 53707-7915.

(5) PARTICIPATION REQUIREMENTS. (a) A student who is awarded a scholarship shall accept, as a condition of the award, a position with the department as a limited term ~~employee or cooperative education program employee~~ employee for the summer months following the academic term for which the award was made and during which the student was classified as a sophomore, junior or senior. The department shall assign a ~~civil engineer~~ mentor to orient and work with each student during the student's required summer employment or training period under this paragraph. A student who is awarded a scholarship may work ~~part-time~~ part-time for the department during an academic term but is not required to do so. The committee under s. Trans 403.03(2) 403.03 may make exceptions to the summer employment or training requirement on a case-by-case basis. The summer employment or training requirement does not apply to a graduating senior.

(b) A student who is awarded a scholarship shall maintain the standards for eligibility under sub. (3)(a)1. to 4. and demonstrate ongoing interest in the program and in future employment as ~~a civil engineer with~~ in a job classification in which targeted group members are underutilized in the department for the duration of the student's

~~participation in the program.~~ The department shall evaluate each student participant in the program each semester or other academic term for compliance with this paragraph.

(6) REMOVAL FROM PROGRAM. The department may terminate a student's participation in the program for noncompliance with the standards under sub. (5)(b), poor work performance, voluntary or involuntary removal from the institution of higher education or technical college in which the student is enrolled, conduct which under department work rules would be cause for discipline or termination of employment, or other reasons specified by the committee under s. Trans 403.03 ~~(2)~~ 403.03 as criteria for termination from the program.

(7) DISTRIBUTION OF AWARDS. The department shall determine the scholarship amount and distribution that may be awarded annually to a program applicant on the basis of the applicant's student status, as specified in s. 85.107(3)(a) and (am), Stats. ~~The department shall distribute 50% of a scholarship at the beginning of the fall academic term to which the award applies. Subject to a satisfactory evaluation under sub. (5), the department shall distribute the remainder of the scholarship at the beginning of the winter-spring academic term to which the award applies.~~

SECTION 12. Trans 403.05 is amended to read:

Trans 403.05 Loan repayment incentive grants. The department may make loan repayment incentive grants to targeted group members within job classifications in which targeted group members are underutilized in the department as specified in s. 85.107(3)(b), Stats., ~~to minority civil engineers who begin full-time employment as civil engineers with the department on or after August 1, 1987, and who have completed one year of permanent full-time employment with the department.~~ A loan repayment incentive grant shall be used only to repay a minority civil engineer's the employee's education loans that are directly attributable to his or her acquiring a civil engineering

~~bachelor of science~~ bachelor's degree, associate degree, or vocational diploma and that are outstanding on the date a grant applicant begins full-time employment as ~~a civil engineer~~ with the department. Only loans from recognized lending institutions, including major credit card companies, shall be eligible for loan repayment incentive grants. Grants may not exceed the amount of the employee's educational loans outstanding.

(END OF RULE TEXT)

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), Stats.

Signed at Madison, Wisconsin, this 24th day of February, 2003.


FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

PART 3 CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 03-004

AN ORDER to repeal Trans 403.02 (2) and 403.04 (4) (note); to amend chapter Trans 403 (title) and Trans 403.01, 403.02 (3), 403.03, 403.04 (1), (2), (3) (a) (intro.), 1., 3. to 5. and (b) and (5) to (7) and 403.05; and to create Trans 403.02 (4m), relating to the loan repayment incentive grant program.

Submitted by **DEPARTMENT OF TRANSPORTATION**

01-15-2003 RECEIVED BY LEGISLATIVE COUNCIL.

02-13-2003 REPORT SENT TO AGENCY.

RNS:DLS

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES ☐ NO ☒
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES ☒ NO ☐
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES ☐ NO ☒
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES ☒ NO ☐
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES ☐ NO ☒
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES ☐ NO ☒
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES ☐ NO ☒



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 03-004

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

2. Form, Style and Placement in Administrative Code

- a. SECTION 6 should be redrafted as follows:

SECTION 6. Trans 403.03 (title) is amended to read:

Trans 403.03 (title) **Program administration committee**.

SECTION 7. Trans 403.03 (1) is repealed.

SECTION 8. Trans 403.03 (2) is renumbered Trans 4.03 and amended to read:

- b. In s. 403.03 (2), second sentence, in the first underlined material, “will” should be “shall”. In the last sentence, “such interviews” should be “the interviews”.

- c. Section Trans 403.04 (3) (a) 3. and 4. would be clearer if they paralleled the statutory language in s. 85.107 (3) (a) and (am), Stats. This could be done by repealing and recreating those current subdivisions as follows:

3. Be one of the following:

- a. Enrolled full-time, or the equivalent, and registered as a sophomore, junior, or senior in a bachelor degree program offered by an accredited institution of higher education in this state.

- b. Registered in his or her 2nd year of full-time, or the equivalent, enrollment in an associate degree program, as defined in s. 38.01 (1), Stats., or vocational diploma program, as defined in s. 38.01 (11), Stats., at a technical college in this state.
- 4. Demonstrate satisfactory academic progress in the program under subd. 3. a. or b. and in an educational program related to a job classification in which targeted group members are underutilized in the department.

4. Adequacy of References to Related Statutes, Rules and Forms

- a. Why is the note to s. Trans 403.04 (4) repealed? Where is the application to be obtained from? This should be specified in a note.
- b. In s. Trans 403.04 (7), first sentence, the reference should be to "s. 85.107 (3) (a) and (am), Stats." and not just to "s. 85.107 (3) (a), Stats."

PART 4
CR 03-004

ANALYSIS OF FINAL DRAFT OF TRANS 403

(a) **Need for Amended Rule.** This rule making will amend ch. Trans 403, relating to the Scholarship and Loan Repayment Incentive Grant Program, to conform to the statutory changes of s. 85.107, amended by 2001 Wis. Act 16 (the 2001-03 biennial budget act). The changes will allow the Department to recruit and select from an expanded class of targeted group members for program inclusion under any job classification, not just the Civil Engineering classification.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on February 13, 2003. No modifications were made to the rule as a result of testimony at the hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** No one appeared/registered at the hearing.

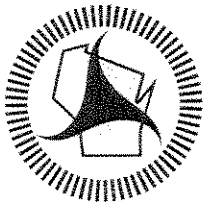
(d) **Response to Legislative Council Recommendations.** The Legislative Council report contained comments in the categories of form, style and placement in the administrative code and adequacy of references to related statutes, rules and forms. The Department's responses are as follows:

2.a. and b. Adopted.

2.c. The comments suggested revising Trans 403.04(3)(a) to say that the grant applicant must be making satisfactory progress in a full-time bachelor's degree program or in a 2nd year of a vocational program "and in an educational program related to a job classification." If stated independently, these qualifications can be read to suggest that a person making satisfactory progress in a bachelor's degree program in, for example, poetry who was also making satisfactory progress in an engineering minor program would be eligible for an award. Instead, the Department intends that the bachelor's program or vocational program be related to the job classification, and has reworded Trans 403.04(3)(a) accordingly.

4.a. and b. Adopted.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.



Wisconsin Department of Transportation

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Jim Doyle
Governor

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Secretary

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FILE COPY

The Honorable Alan Lasee
President, Wisconsin State Senate
Room 219 South, State Capitol
Madison, Wisconsin 53707

February 24, 2003

The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 215 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 403**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 03-004

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **03-004**, relating to the **Scholarship and Loan Repayment Incentive Grant Program**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

A handwritten signature in cursive script, reading "Julie A. Johnson".

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)/Senator Joseph Leibham/
Representative Glenn Grothman/Joyce Gelderman/Randy Sarver

Lindstedt, Daniel

From: on behalf of Sen.Leibham
To: Breske, Roger; Kedzie, Neal; Leibham, Joseph; Meyer, Mark; Sen.Breske; Sen.Kanavas;
Sen.Kedzie; Sen.Leibham; Sen.Meyer
Cc: Lindstedt, Daniel; Natzke, Ryan; Phillips, Matt; Piliouras, Elizabeth; Shepherd, Jeremy; TII
Committee (LEG COUNCIL CMTE STAFF)
Subject: Senate Committee on Transportation and Information Infrastructure - Receipt of Rule 03-004
Importance: High

**PLEASE OPEN THE ATTACHED WORD DOCUMENT TO REVIEW THE NOTICE
FOR RECEIPT OF: CLEARINGHOUSE RULE 03-004 (CR 03-004).**



CR 03-004 notice,
DKL, 3.3.04....

DATE: Tuesday, March 4, 2003

TO: Honorable Members of the Senate Committee on Transportation and Information Infrastructure

FROM: Senator Joe Leibham, Chair
Senate Committee on Transportation and Information Infrastructure

RE: Receipt of Clearinghouse Rule

The following Clearinghouse Rule has been referred to the Senate Committee on Transportation and Infrastructure:

Clearinghouse Rule 03-004 (CR 03-004) relating to the Loan Repayment Incentive Grant Program.

The deadline for action on this rule is Friday, March 28, 2003.

General Summary of Proposed Rule: This rule making will amend ch. Trans 403, relating to the Scholarship and Loan Repayment Incentive Grant Program, to conform to the statutory changes of s. 85.107, amended by 2001 Wis. Act 16 (the 2001-03 biennial budget act). The changes will allow the Department to recruit and select from an expanded class of targeted group members for program inclusion under any job classification, not just the Civil Engineering classification.

Attached is a copy of CR 03-004 in .pdf format. CR 03-004 is also available on FOLIO. Hard copies are available from the Committee Chair, upon request.



03-004-0.pdf