



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-044

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

1. Statutory Authority

a. Section Comm 124.05 (2) (h) should clarify that any other criteria may be established by the department only “by rule,” as authorized in s. 560.302 (8), Stats.

b. Section Comm 124.08 should be revised to conform to the statutory requirement of consultation with the board before making grants or loans. Currently, the last sentence of s. Comm 124.08 states that: “The department shall notify the board of all grants and loans issued.” However, s. 560.304, Stats., requires the department to consult with the board prior to making all grants or loans.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The proposed rule should be revised to articulate actual rules and procedures that are more fully developed than the guidelines given in the statutes. Section 560.301, Stats., requires the department to promulgate particular rules and procedures as outlined in that section, but the proposed rule only restates the statutory language. For example:

- (1) Section Comm 124.04 should develop an actual methodology for analyzing the listed factors from s. 560.301 (2), Stats. Is it intended that each factor will be compared for the area against the state data? Are there a minimum number of factors that must have lower (or higher) data numbers for the area than the state to be designated as economically distressed?

(2) Section Comm 124.05 (3) should develop the actual policy for obtaining reimbursement, as required by s. 560.305 (3), Stats.

(3) Section Comm 124.05 (4) should develop the actual process for monitoring project performance, as required by s. 560.301 (4) and (6), Stats.

b. Section Comm 124.05 should directly reference and incorporate the accountability measures of s. 560.01 (2) (ae), Stats., as required by s. 560.301 (1), Stats. Specifically, the note at the end of s. Comm 124.05, referencing ch. Comm 149, which implements s. 560.01 (2) (ae), Stats., should be incorporated with the terms and conditions applicable to grants and loans given in s. Comm 124.05 (3). The note and s. Comm 124.05 (3) could be incorporated together into a new section if the accountability measures and terms and conditions will not be included in the application materials that are the subject of s. Comm 124.05.

c. Will the processes for monitoring project performance and auditing the funding be included in the application materials themselves? If not, s. Comm 124.05 (4) and (5) should be separated into new sections, apart from the application materials that are the subject of s. Comm 124.05.

d. Section Comm 124.08 should give the timeline by which the department shall develop and submit to the board its plan for awarding grants and making loans. Pursuant to s. 560.301 (3), Stats., the plan shall be developed “before the commencement of each odd-numbered fiscal year.”

e. Does the department have a plan for encouraging and assisting small businesses in applying for grants and loans, pursuant to s. 560.305 (1), Stats.? It could be constructive to restate this statutory directive, and any specifics of the plan, in the proposed rule.