



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 14-026

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 November 2011.]

1. Statutory Authority

It appears that the proposed rule allows the agency to award grants to unauthorized applicants. 2013 Wisconsin Act 20 appropriates \$200,000 in both fiscal years 2013-2014 and 2014-2015 for promoting the growth of the dairy industry by providing grants to persons operating processing plants. [s. 20.115 (4) (dm), Stats.] A “processing plant” is defined as “a dairy plant engaged in pasteurizing, processing or manufacturing milk or dairy products”. [s. 97.20 (1) (h), Stats.] The proposed rule applies the existing grant criteria for the “Grow Wisconsin Dairy Producer” grant and loan program to this new grant program. The “Grow Wisconsin Dairy Producer” grant and loan program permits the agency to provide an award to a “dairy producer”, which is defined as “a licensed milk producer, licensed dairy plant, or other licensed entity that produces or processes milk”. It appears that the proposed rule grants eligibility to applicants that are not authorized by s. 20.115 (4) (dm), Stats., to receive a grant, because the definition of “dairy producer” is broader than the definition of “processing plant”.

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, “ss.” should be replaced with “ATCP”. [s. 1.02 (1), Manual.]

b. The agency should review the plain language analysis to ensure that it accurately describes the grant program. For example, the “Use of Grant Funds” section lists expenses that

are not listed in s. ATCP 161.63. In addition, under the “Grant Awards” section, “emergency rule” should be replaced with “rule”.

c. In SECTION 1, “162.62” in the treatment clause should be replaced with “161.62”.

d. In s. ATCP 161.50 (3) (f), the quotation marks around “grow Wisconsin dairy producer” should be underscored because the quotation marks are new material. [s. 1.06 (1), Manual.]

e. In s. ATCP 161.62 (1) (intro.), a period should be inserted after the “s” that precedes “93.40” to reflect the current text of the rule.