

SENATOR JUDITH B. ROBSON
CO-CHAIR
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(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
P.O. Box 8952
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

March 20, 2002

Senator Fred Risser
Senate President
Room 220 South

Representative Scott Jensen
Speaker of the Assembly
Room 211 West

Re: Emergency Rule Comm 110

Dear Senator Risser and Representative Jensen:

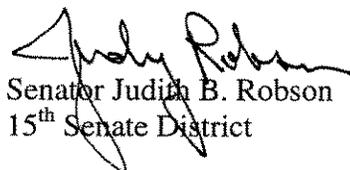
This letter is sent pursuant to § 227.24(2)(c), *Stats.* In accordance with the requirements of that statute, we respectfully request that you notify the appropriate standing committees of each house of the legislature of the following actions by the Joint Committee for the Review of Administrative Rules (JCRAR).

JCRAR held a public hearing and executive session on March 20, 2002. At that meeting, the JCRAR received public testimony regarding Emergency Rule Comm 110, relating to brownfield redevelopment grants.

Based on the public testimony at the hearing, the committee adopted a motion extending the effective period of Emergency Rule Comm 110 for 60 days. The committee approved the motion on a 10 to 0 vote.

Thank you for your attention to these matters.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

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REPRESENTATIVE GLENN GROTHMAN
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

Date: *March 20, 2002*

Location: *All South*

Accounting for:

Public Hearing

Executive Session

| COMMITTEE MEMBER | PRESENT | ABSENT | EXCUSED |
|-----------------------------|---------|--------|---------|
| 1. Senator ROBSON | | | ✓ |
| 2. Senator GROBSCHMIDT | ✓ | | |
| 3. Senator HANSEN | | | ✓ |
| 4. Senator WELCH | ✓ | | |
| 5. Senator COWLES | ✓ | | |
| 6. Representative GROTHMAN | ✓ | | |
| 7. Representative SERATTI | ✓ | | |
| 8. Representative GUNDERSON | ✓ | | |
| 9. Representative TURNER | ✓ | | |
| 10. Representative HEBL | ✓ | | |
| Totals | | | |

David A. Austin

David A. Austin
Committee Clerk

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

Date: March 20, 2002

Location: 411 South

Accounting for:

Public Hearing

Executive Session

| COMMITTEE MEMBER | PRESENT | ABSENT | EXCUSED |
|-----------------------------|---------|--------|---------|
| 1. Senator ROBSON | | | ✓ |
| 2. Senator GROBSCHMIDT | ✓ | | |
| 3. Senator HANSEN | | | ✓ |
| 4. Senator WELCH | ✓ | | |
| 5. Senator COWLES | ✓ | | |
| 6. Representative GROTHMAN | ✓ | | |
| 7. Representative SERATTI | ✓ | | |
| 8. Representative GUNDERSON | ✓ | | |
| 9. Representative TURNER | ✓ | | |
| 10. Representative HEBL | ✓ | | |
| Totals | | | |

David A. Austin
Committee Clerk

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

March 20, 2002

BY INTER-D

Secretary Philip Albert
Department of Commerce
201 West Washington Avenue
Madison, Wisconsin

Re: Emergency Rule Comm 110

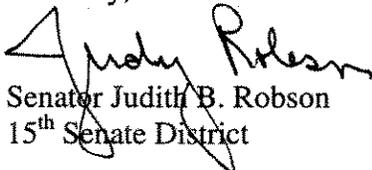
Dear Secretary Albert:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on March 20, 2002. At that meeting, the JCRAR received public testimony regarding Emergency Rule Comm 110, relating to brownfields redevelopment grants.

Based on that testimony, the committee adopted a motion extending the effective period of Emergency Rule Comm 110 for 60 days. The committee approved the motion on a 10 to 0 vote.

Pursuant to § 227.24(2)(c), *Stats.*, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

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**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Date: March 20, 2002

Location: 411 South

Moved by Grothman, Seconded by Welch

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective date of emergency rule Comm 110 by 60 days, at the request of the Department of Commerce.

| COMMITTEE MEMBER | Aye | No | Absent |
|-----------------------------|-----|----|--------|
| 1. Senator ROBSON | | | |
| 2. Senator GROBSCHMIDT | ✓ | | |
| 3. Senator HANSEN | | | |
| 4. Senator WELCH | ✓ | | |
| 5. Senator COWLES | ✓ | | |
| 6. Representative GROTHMAN | ✓ | | |
| 7. Representative SERATTI | ✓ | | |
| 8. Representative GUNDERSON | ✓ | | |
| 9. Representative TURNER | ✓ | | |
| 10. Representative HEBL | ✓ | | |
| Totals | | | |

Motion Carried

Motion Failed



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Scott McCallum, Governor
Philip Edw. Albert, Secretary

February 12, 2002

Senator Judy Robson
Co-Chair
Joint Committee for Review of
Administrative Rules
Room 15 South, Capitol
Madison, WI 53707

Representative Glenn Grothman
Co-Chair
Joint Committee for Review of
Administrative Rules
Room 15 North, Capitol
Madison, WI 53707

Dear Senator Robson and Representative Grothman:

As you may know, this Department adopted an emergency rule last year relating to brownfields redevelopment grants. The emergency rule took effect on October 27, 2001, and is currently in effect. The emergency rule will expire on March 26, 2002, unless an extension is granted by the Joint Committee for Review of Administrative Rules. A copy of the emergency rule is enclosed for your reference.

Since adoption of the emergency rule and pursuant to chapter 227, Stats., the Department has filed a proposed permanent rule with the Wisconsin Legislative Council (Clearinghouse Rule Number 01-142) to replace the emergency rule, held a hearing on the emergency rule and the permanent rule on January 11, 2002, and filed the permanent rule with the Legislature earlier this month.

The Joint Committee for Review of Administrative Rules requests that agencies make a formal request for an extension prior to the expiration of an emergency rule. Under section 227.19 (4), Stats., the legislative standing committees have 30 days to review the final rule before the agency may adopt the rule. Due to the time factors associated with the rulemaking process in ch. 227, Stats., the permanent rule cannot be adopted and placed in effect prior to the expiration of the emergency rule.

In light of these facts, we respectfully request a 60-day extension of the emergency rule under s. 227.24 (2), Stats., in order to preserve the public welfare and provide a smooth and orderly transition from the emergency rule to the permanent rule.

If you have any questions regarding our progress to date or this request, please contact us. Thank you in advance for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written over a horizontal line.

Philip Edw. Albert,
Secretary

Enc.

File ref: JCRAR extension 1

Department of Commerce

Emergency Rule Relating to Brownfields Redevelopment Grants

Finding of Emergency and Rule Analysis

The Department of Commerce finds that an emergency exists and that adoption of the rule included in this order is necessary for the immediate preservation of public health, safety, and welfare.

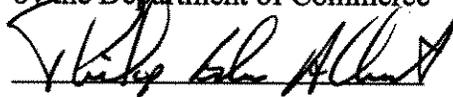
The facts constituting the emergency are as follows. Under section 3628 of 2001 Wisconsin Act 16, the Department must begin accepting applications from trustees and nonprofit organizations, for brownfields redevelopment grants. And, under section 3630 of the Act, the Department must begin disallowing use of the grant funds to pay either delinquent real estate taxes or lien claims of the Department of Natural Resources or the federal Environmental Protection Agency.

The Department's rules for administering the brownfields grant program are currently contained in chapter Comm 110 of the Wisconsin Administrative Code. These current rules do not recognize trustees and nonprofit organizations as eligible applicants, and do not include disallowing grant funds for payments on either back taxes, or on state or federal lien claims.

In November, the Department expects to begin promulgating permanent rules for making chapter Comm 110 consistent with Act 16. Due to the mandatory rulemaking procedures under chapter 227, Stats., the permanent rules are not expected to become effective until July 1, 2002. In order to comply with Act 16 by accepting applications and issuing grants for trustees and nonprofit organizations prior to then, emergency rules reflecting these changes are needed, as included herein. These emergency rules also address the above disallowance for grant proceeds, and include some minor updating of the ch. Comm 110 criteria for submitting grant applications and for filing subsequent financial and program reports.

Pursuant to section 227.24, Stats., this rule is adopted as an emergency rule to take effect upon publication in the official state newspaper and filing with the Secretary of State and Revisor of Statutes.

Dated at Madison this 23rd
day of October, A.D. 2001,
by the Department of Commerce



Philip Edw. Albert, Acting Secretary

SECTION 1. Comm 110.02 (2) is amended to read:

Comm 110.02 (2) "Brownfields redevelopment" means any work or undertaking by a person, ~~municipality or local development corporation~~ to acquire a brownfields facility or site and to raze, demolish, remove, reconstruct, renovate, or rehabilitate the facility or existing buildings, structures, or other improvements at the site for the purpose of promoting the use of the facility or site for commercial, industrial, or other purposes. "Brownfields redevelopment" does not include construction of new facilities on the site for any purpose other than environmental remediation activities.

SECTION 2. Comm 110.02 (6) and (7) are repealed.

SECTION 3. Comm 110.02 (8) to (11) are renumbered Comm 110.02 (6) to (9) and Comm 110.02 (6), as renumbered, is amended to read:

Comm 110.02 (6) "Person" means an individual, partnership, limited liability company, corporation ~~or limited liability company~~, nonprofit organization, city, village, town, county, or trustee, including a trustee in bankruptcy

SECTION 4. Comm 110.03 is repealed and recreated to read:

Comm 110.03 Application content. Applications shall be submitted to the department. Each application shall contain all of the following:

- (1) The name, address, and designated contact person for the applicant.
- (2) Supporting documentation to demonstrate that the party which caused the environmental contamination on the subject property is unknown, cannot be located, or is financially unable to pay for the cost of the cleanup.
- (3) A description of the proposed project and associated budget, including all of the following:
 - (a) The location and duration of the project.
 - (b) The brownfields redevelopment and environmental remediation activities that the applicant is seeking grant funds for.
 - (c) An itemized estimate of the proposed cost of each project activity.
 - (d) The amount, quality, and certainty of the applicant's financial contribution to the project, including in-kind service contributions.

(e) A description of the proposed match, and the professional qualifications of the persons conducting any in-kind services.

(f) A list of other federal, state, local, and private funding or financial sources the applicant may be seeking funding from, including the timing of such funding awards.

(g) A project implementation schedule, including the brownfields redevelopment activities, environmental remediation activities, and site redevelopment.

(h) A description of the local infrastructure the project requires, and the source and certainty of financing the needed infrastructure.

(i) The immediate and continuing effects of the project upon the political subdivisions within which it will be located.

(j) A map showing the location of the project within the municipality having jurisdiction, and an indication if this project is located in any specially designated federal, state, or local economic financing or taxation zone.

(4) A description of the potential for the project to promote economic development in the area.

(5) A summary of the environmental condition of the site, and the impact the project will have on the environment.

(6) The innovativeness of the applicant's proposal for remediation and redevelopment.

(7) An explanation of why assistance under the brownfields grant program is necessary and what is likely to result if assistance is not granted, including statements addressing all of the following:

(a) That sufficient funding is not available at reasonable terms from any other source.

(b) That state funds received under this chapter will not replace funds from any other sources, such as agri-chemical, petroleum environmental cleanup fund act, and superfund.

(c) That the project is not likely to take place without the grant.

(d) That the proposed project will not displace any worker in Wisconsin.

(8) A statement, including supporting documentation, that the applicant is financially sound and has the financial resources to complete the project in a timely manner, assuming the grant is awarded.

(9) A plan for conducting a financial audit of the grant and for submitting program reports to the department on the results of the project, pursuant to s. Comm 110.08.

(10) Copies of phase 1 and phase 2 environmental assessments conducted in regard to the property.

SECTION 5. Comm 110.04 (intro.) is amended to read:

Comm 110.04 (intro.) Eligibility. The department may award a grant to any person; ~~municipality, or local development corporation~~ if all of the following apply:

SECTION 6. Comm 110.04 (1) is renumbered Comm 110.04 (1) (a).

SECTION 7. Comm 110.04 (1) (b) is created to read:

Comm 110.04 (1) (b) The recipient does not use the grant proceeds to pay lien claims of the department of natural resources or the federal environmental protection agency based on investigation or remediation activities of the department of natural resources or the federal environmental protection agency or to pay delinquent real estate taxes or interest or penalties that relate to those taxes.

SECTION 8. Comm 110.08 is amended to read:

Comm 110.08 Reporting and auditing. A grant recipient awarded a grant under this chapter shall provide the department semi-annual ~~financial and~~ program reports. A financial audit and final program ~~reports~~ report shall be submitted at the end of each contract. The financial audit and ~~the~~ program reports become the property of the department and are open to public inspection.

(End)

Differences Between Emergency Rule Comm 110 and the Final Version of the Rule Submitted for Legislative Review

Emergency Rule Comm 110 contains a requirement that applicants submit “[s]upporting documentation to demonstrate that the party which caused the environmental contamination on the subject property is unknown, cannot be located, or is financially unable to pay for the cost of the cleanup.” Comm 110.03(2).

The Legislative Council Rules Clearinghouse questioned the department’s statutory authority for part of this provision. In response, the department changed the wording of the final version of the rule. Changes between the emergency and final rule text are shown below.

“Supporting documentation to demonstrate that the party which caused the portion of the environmental contamination on the subject property that is the basis for the grant request is unknown, cannot be located, or is financially unable to pay for the cost of the cleanup.”

In addition, the text of the emergency rule contains a clause that was deleted from the final version of the rule in response to another statutory authority question. This clause is Comm 110.03(7)(d).



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Scott McCallum, Governor
Philip Edw. Albert, Secretary

April 22, 2002

Senator Judy Robson
Co-Chair
Joint Committee for Review of
Administrative Rules
Room 15 South, Capitol
Madison, WI 53707

Representative Glenn Grothman
Co-Chair
Joint Committee for Review of
Administrative Rules
Room 15 North, Capitol
Madison, WI 53707

Dear Senator Robson and Representative Grothman:

As you may know, this Department adopted an emergency rule last year relating to brownfields redevelopment grants. The emergency rule took effect on October 27, 2001, and is currently in effect because on March 20, 2002, the Joint Committee for Review of Administrative Rules extended the effective period of the rule by 60 days. The emergency rule will expire on May 25, 2002, unless a second extension is granted by the Committee. A copy of the emergency rule is enclosed for your reference.

Following the first extension of the emergency rule, the Senate Committee on Environmental Resources held a public hearing on the Department's proposed permanent rule for replacing the emergency rule, CR# 01-142. The hearing extended the legislative review period for the permanent rule by 30 days. Based on information from the Revisor's office, the time factors associated with adopting, printing, and publishing will cause the permanent rule to not come into effect prior to July 1, 2002.

The Joint Committee for Review of Administrative Rules requests that agencies make a formal request for an extension prior to the expiration of an emergency rule.

In light of these facts, we respectfully request a 60-day extension of the emergency rule under s. 227.24 (2), Stats., in order to preserve the public welfare and provide a smooth and orderly transition from the emergency rule to the permanent rule.

If you have any questions regarding our progress to date or this request, please contact us. Thank you in advance for your consideration of our request.

Sincerely,

Philip Edw. Albert
Secretary

Enc.

File ref: JCRAR extension 2



State of Wisconsin \ Department of Commerce

RULES IN FINAL DRAFT FORM

Rule No.: Comm 110

Relating to: Brownfields Redevelopment Grants

Clearinghouse Rule No.: 01-142

**ORDER OF THE
DEPARTMENT OF COMMERCE**

CREATING RULES

The Wisconsin Department of Commerce proposes an order to repeal Comm 110.02 (6) and (7);
to renumber Comm 110.02 (9) to (11) and 110.04 (2) and (3);
to renumber and amend Comm 110.02 (8);
to amend Comm 110.02 (2), 110.04 (intro.), and 110.08;
to repeal and recreate Comm 110.03;
and to create Comm 110.04 (2), relating to brownfields redevelopment grants.

ANALYSIS OF PROPOSED RULES

Statutory Authority and Statutes Interpreted

Statutory Authority: section 560.02 and 560.13 (6), Stats.
Statutes Interpreted: section 560.13 (1) to (7), Stats.

Under the statutes cited, the Department awards grants for redevelopment of abandoned, idle, or underused industrial or commercial facilities or sites that are adversely affected by actual or perceived environmental contamination. Pursuant to s. 560.13 (6), Stats., these grants are applied for and administered in accordance with criteria that are contained in chapter Comm 110 of the *Wisconsin Administrative Code*.

2001 Wisconsin Act 16 modified s. 560.13, Stats., by (1) expanding the listing of eligible grant applicants to include trustees and nonprofit organizations, and (2) prohibiting use of any grant funds to pay either delinquent real estate taxes, or lien claims of the Department of Natural Resources or the federal Environmental Protection Agency.

The proposed changes to chapter Comm 110 would (1) modify the definitions to match the statutory listing of eligible applicants, (2) expand the limitations on use of grant funds to include the statutory prohibition relating to delinquent taxes or lien claims, (3) update several aspects of the application procedure that have evolved since the chapter was initially created as an emergency rule in 1997, and (4) revise the criteria for disallowing funding, to no longer exclude projects that include temporary or other inconsequential displacement of workers.

File reference: Comm 110/Analysis

SECTION 1. Comm 110.02 (2) is amended to read:

Comm 110.02 (2) "Brownfields redevelopment" means any work or undertaking by a person, ~~municipality or local development corporation~~ to acquire a brownfields facility or site and to raze, demolish, remove, reconstruct, renovate, or rehabilitate the facility or existing buildings, structures, or other improvements at the site for the purpose of promoting the use of the facility or site for commercial, industrial, or other purposes. "Brownfields redevelopment" does not include construction of new facilities on the site for any purpose other than environmental remediation activities.

SECTION 2. Comm 110.02 (6) and (7) are repealed.

SECTION 3. Comm 110.02 (8) to (11) are renumbered Comm 110.02 (6) to (9) and Comm 110.02 (6), as renumbered, is amended to read:

Comm 110.02 (6) "Person" means an individual, partnership, limited liability company, corporation or limited liability company, nonprofit organization, city, village, town, county, or trustee, including a trustee in bankruptcy.

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- (2) Supporting documentation to demonstrate that the party which caused the portion of the environmental contamination that is the basis for the grant request is unknown, cannot be located, or is financially unable to pay for the cost of the cleanup.
- (3) A description of the proposed project and associated budget, including all of the following:
 - (a) The location and duration of the project.
 - (b) The brownfields redevelopment and environmental remediation activities for which the applicant is seeking grant funds.
 - (c) An itemized estimate of the proposed cost of each project activity.
 - (d) The amount and certainty of the applicant's financial contribution to the project, including in-kind service contributions.

(11) Copies of phase 1 and phase 2 environmental assessments conducted in regard to the property.

SECTION 5. Comm 110.04 (intro.) is amended to read:

Comm 110.04 (intro.) Eligibility. The department may award a grant to any person, ~~municipality, or local development corporation~~ if all of the following apply:

SECTION 6. Comm 110.04 (2) and (3) are renumbered Comm 110.04 (3) and (4).

SECTION 7. Comm 110.04 (2) is created to read:

Comm 110.04 (2) The recipient will not use the grant proceeds to pay lien claims of the department of natural resources or the federal environmental protection agency based on investigation or remediation activities of the department of natural resources or the federal environmental protection agency or to pay delinquent real estate taxes or interest or penalties that relate to those taxes.

SECTION 8. Comm 110.08 is amended to read:

Comm 110.08 Reporting and auditing. A grant recipient awarded a grant under this chapter shall provide the department semi-annual ~~financial and~~ program reports. A financial audit and final program ~~reports~~ report shall be submitted at the end of each contract. The financial audit and ~~the~~ program reports become the property of the department and are open to public inspection.

(End)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall become effective on the first day of the month following publication in the Wisconsin Administrative Register.

File reference: Comm 110/Perm rules lr

1/28/02

(e) A description of the proposed match, and the professional qualifications of the persons conducting any in-kind services.

(f) A list of other federal, state, local, and private funding or financial sources the applicant may be seeking funding from, including the amount, timing, and certainty of the funding awards.

(g) A project implementation schedule, including the brownfields redevelopment activities, environmental remediation activities, and site redevelopment.

(h) A description of the infrastructure the project requires, and the source and certainty of financing for the needed infrastructure.

(i) A map showing the location of the project within the municipality having jurisdiction, and an indication if this project is located in any specially designated federal, state, or local economic financing or taxation zone.

(4) A description of the potential for the project to promote economic development in the area.

(5) A summary of the environmental condition of the site, and the impact the project will have on the environment.

(6) The innovativeness of the applicant's proposal for remediation and redevelopment, including, but not limited to, innovative funding, remediation, or reuse.

(7) An explanation of why assistance under the brownfields grant program is necessary and what is likely to result if assistance is not granted, including certified statements addressing all of the following:

(a) That sufficient funding is not available at reasonable terms from any other source.

(b) That state funds received under this chapter will not replace funds from any other sources, such as agri-chemical, petroleum environmental cleanup fund act, and superfund.

(c) That the project is not likely to take place without the grant.

(8) A certified statement, including supporting documentation, that the applicant is financially sound and has the financial resources to complete the project in a timely manner, assuming the grant is awarded.

(9) A certified statement and plan for conducting a financial audit of the grant and for submitting program reports to the department on the results of the project, pursuant to s. Comm 110.08.

(10) A certified statement that the proposed project will not result in a net loss of permanent employees.

SENATOR JUDITH B. ROBSON
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REPRESENTATIVE GLENN GROTHMAN
 CO-CHAIR
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**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Date: May 16, 2002

Location: 201 Southeast

Moved by Grothman, Seconded by Robson

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective date of Emergency Rule Comm 110 by 60 days, at the request of Department of Commerce.

| COMMITTEE MEMBER | Aye | No | Absent |
|-----------------------------|-----|----|--------|
| 1. Senator ROBSON | ✓ | | |
| 2. Senator GROBSCHMIDT | ✓ | | |
| 3. Senator HANSEN | ✓ | | |
| 4. Senator WELCH | ✓ * | | |
| 5. Senator COWLES | ✓ | | |
| 6. Representative GROTHMAN | ✓ | | |
| 7. Representative SERATTI | ✓ * | | |
| 8. Representative GUNDERSON | ✓ | | |
| 9. Representative TURNER | ✓ | | |
| 10. Representative HEBL | ✓ | | |
| Totals | | | |

* voted by
 polling

Motion Carried

Motion Failed

SENATOR JUDITH B. ROBSON
CO-CHAIR
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REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

May 16, 2002

BY INTER-D

Secretary Philip Albert
Department of Commerce
201 West Washington Avenue
Madison, Wisconsin

Re: Emergency Rule Comm 110

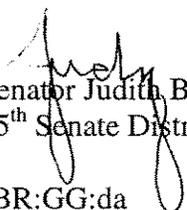
Dear Secretary Albert:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session today. At that meeting, the JCRAR received public testimony regarding Emergency Rule Comm 110, relating to brownfields redevelopment grants.

Based on that testimony, the committee adopted a motion extending the effective period of Emergency Rule Comm 110 for 60 days. The committee approved the motion on a 10 to 0 vote.

Pursuant to § 227.24(2)(c), *Stats.*, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,


Senator Judith B. Robson
15th Senate District

JBR:GG:da


Representative Glenn Grothman
59th Assembly District



SAFETY AND BUILDINGS DIVISION
Administrator's Office
P. O. Box 2599
Madison, Wisconsin 53701-2599
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Scott McCallum, Governor
Philip Edw. Albert, Secretary

March 25, 2002

Senator Judy Robson, Co-Chair
Joint Committee for Review of
Administrative Rules
Room 15 South, Capitol
Madison, WI 53707

Representative Glenn Grothman, Co-Chair
Joint Committee for Review of
Administrative Rules
Room 15 North, Capitol
Madison, WI 53707

Dear Senator Robson and Representative Grothman:

As you may know, this Department adopted an emergency rule relating to Wisconsin Technology Zone Program. The emergency rule took effect on December 5, 2001 and is currently in effect. The emergency rule will expire on April 30, 2002, unless an extension is granted by the Joint Committee for Review of Administrative Rules.

Since adoption of the emergency rule and pursuant to chapter 227, Stats., the Department has filed a proposed permanent rule with the Wisconsin Legislative Council (Clearinghouse Rule Number 01-147) to replace the emergency rule, held a hearing on that rule on January 11, 2002, and filed a final rule with the Legislature for review on February 11, 2002. No comments were received from either committee and the agency is currently preparing the rules for final adoption.

The Joint Committee for Review of Administrative Rules (JCRAR) requests that agencies make a formal request for an extension prior to the expiration of an emergency rule. Under section 227.19 (4), Stats., the legislative standing committees have completed their review and has subsequently adopted the rule. Due to the time factors associated with the publication and distribution, the permanent rule cannot be placed in effect prior to the expiration of the emergency rule.

In light of these facts, we respectfully request a 60-day extension of the emergency rule under s. 227.24 (2), Stats., in order to preserve the public safety and provide a smooth and orderly transition from the emergency rule to the permanent rule.

If you have any questions regarding our progress to date or this request, please don't hesitate to contact us. Thank you in advance for your consideration of our request.

Sincerely,

Philip Edw. Albert
Secretary

The signature is a handwritten cursive script in black ink, appearing to read 'Philip Edw. Albert'. It is positioned above the printed name and title.

SENATOR JUDITH B. ROBSON
Co-CHAIR
P.O. BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
Co-CHAIR
P.O. BOX 8952
MADISON, WI 53708-8952
(608) 264-6486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

May 16, 2002

By Inter-D

Senator Fred Risser
Senate President
Room 220 South

Representative Scott Jensen
Speaker of the Assembly
Room 211 West

Re: Emergency Rule Comm 110
Emergency Rule Phar 1.02
Emergency Rule PI 35
Emergency Rule Trans 102.15
Emergency Rule DWD 290

Dear Senator Risser and Representative Jensen:

This letter is sent pursuant to § 227.24(2)(c), *Stats*. In accordance with the requirements of that statute, we respectfully request that you notify the appropriate standing committees of each house of the legislature of the following actions by the Joint Committee for the Review of Administrative Rules (JCRAR).

JCRAR held a public hearing and executive session today. At that meeting, the JCRAR received public testimony regarding the following emergency rules:

- Emergency Rule Comm 110, relating to brownfields redevelopment grants;
- Emergency Rule Phar 1.02, relating to a pharmacy internship program;
- Emergency Rule PI 35, relating to the Milwaukee Parental Choice Program;
- Emergency Rule Trans 102.15, relating to the issuance of driver's licenses and identification cards; and
- Emergency Rule DWD 290, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Based on the public testimony at the hearing, the committee adopted a motion extending the effective period of Emergency Rule Comm 110 for 60 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule Phar 1.02 for 60 days. The committee approved the motion on a 10 to 0 vote.

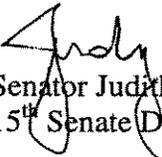
Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule PI 35 for 60 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule Trans 102.15 for 12 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule DWD 290 for 30 days. The committee approved the motion on a 10 to 0 vote.

Thank you for your attention to these matters.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Attendance Form

Date: May 16, 2002

Location: 201 Southeast

Accounting for:

Public Hearing

Executive Session

| COMMITTEE MEMBER | PRESENT | ABSENT | EXCUSED |
|-----------------------------|---------|--------|---------|
| 1. Senator ROBSON | ✓ | | |
| 2. Senator GROBSCHMIDT | ✓ | | |
| 3. Senator HANSEN | ✓ | | |
| 4. Senator WELCH | | | ✓ |
| 5. Senator COWLES | ✓ | | |
| 6. Representative GROTHMAN | ✓ | | |
| 7. Representative SERATTI | | | ✓ |
| 8. Representative GUNDERSON | ✓ | | |
| 9. Representative TURNER | ✓ | | |
| 10. Representative HEBL | ✓ | | |
| Totals | 8 | | 2 |

David A. Austin
Committee Clerk

SENATOR JUDITH B. ROBSON
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MADISON, WI 53707-7882
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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Attendance Form

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| 1. Senator ROBSON | ✓ | | |
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| 3. Senator HANSEN | ✓ | | |
| 4. Senator WELCH | | | ✓ |
| 5. Senator COWLES | ✓ | | |
| 6. Representative GROTHMAN | ✓ | | |
| 7. Representative SERATTI | | | ✓ |
| 8. Representative GUNDERSON | ✓ | | |
| 9. Representative TURNER | ✓ | | |
| 10. Representative HEBL | ✓ | | |
| Totals | | | |

David A. Austin
Committee Clerk