



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 10-041

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.]

2. Form, Style and Placement in Administrative Code

a. In s. Comm 137.02 (3) (b), the references to political subdivisions, development and housing authorities, and persons acting on the behalf of named entities appear to cause confusion since these entities appear to already be referenced in s. Comm 137.02 (3) (a), (c), or (d). The department could eliminate confusion by referring only to agencies or authorities in par. (b) and relying on pars. (a), (c), and (d) for inclusion of other entities.

b. Wisconsin’s aggregate amount for the issuance of recovery zone facility bonds should be placed in a note to s. Comm 137.02 (4).

c. In s. Comm 137.02 (6), the department should refer to the statutory definition of “Midwestern disaster area bonds” in s. 66.1104 (1) (bm), Stats.

d. In s. Comm 137.02 (9), the department should refer to the statutory definition of “recovery zone bond” in s. 66.1104 (1) (c), Stats.

e. In s. Comm 137.03 (2) (b) 2., the word “which” should be replaced by the word “that.”

f. In s. Comm 137.04, the department should provide additional clarity regarding treatment that might arise depending on whether Midwestern disaster area bonds are a whole or partial alternative source of financing.

g. In s. Comm 137.05 (7), the department should create separate paragraphs in order to clearly separate the treatment that applies to bonds issued under s. 66.1103, Stats., from the other material in the subsection.

h. In the note at the end of s. Comm 137.05, can the department also make the application form available in electronic form?

i. In s. Comm 137.06 (2) (intro.), the phrase “all of” should be inserted before the phrase “the following.” Also, in sub. (2) (c) (intro.), the quotation marks surrounding the first occurrence of the word “green” should be deleted and the material after the first sentence should read: “In this paragraph, “green job” means a job that provides a service or produces a product in any of the following categories:”.

j. In s. Comm 137.06 (2) (h), the department should delete the word “not.”

k. In s. Comm 137.06 (3), the department should describe the additional material relating to priority and proration as described in s. 560.033 (5), Stats., rather than cross-referencing that material in a note. If the department retains the note, it should refer to s. 560.033 (5), Stats.

l. A period should be placed after the title of s. Comm 137.09.

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

a. In items 3. and 5. of the rule summary, the word “sections” preceding “66.1104 (1) (a) and (b)” should be replaced by the word “section.”

b. Section Comm 137.03 (3) (b) 5. a. should conclude with a period.

c. Section Comm 137.03 (3) (c) is a cumbersome sentence that may be made clearer as follows:

A written notice to the department in which the city or county states that an agreement, providing for the purchase of recovery zone facility bonds, has been executed by the city, county, other local governmental unit, or authority that will issue the recovery zone facility bonds and by a bond purchaser. The written notice shall include a copy of the agreement.

d. In s. Comm 137.06 (2) (g), what is the definition of the term “shovel-ready”?

e. Section Comm 137.09 (4) (b) 4. would be clearer if it read: “Any refund shall be made within 30 days after a request for the refund. The request for the refund shall include any evidence that the department may reasonably require.”