



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-113

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. In the analysis of the rule, the department specifies that it interprets SECTION 45 (1) of 2009 Wisconsin Act 265 and cites par. (b), in part, as its statutory authority. Since SECTION 45 (1) (b) refers to emergency rules, the department should revise SECTIONS 2 to 3 of the analysis to refer simply to SECTION 45 (1).

b. In s. Comm 139.40, the department refers to a deadline of the 12th month beginning after the effective date of the rules. 2009 Wisconsin Act 265 specified a deadline of the 12th month beginning after the effective date of the related emergency rules. The department should delete the reference to the 12-month deadline and insert a date certain based on the effective date of the emergency rules.

2. Form, Style and Placement in Administrative Code

a. In SECTION 8 of the rule analysis, the department should refer to SECTION 45 (1) of Act 265 rather than SECTION 45.

b. In s. Comm 139.20 (1), the notation “ss.” should be replaced by the notation “s.”

c. In s. Comm 139.30 (2) (b), the department appears to refer to “eligible uses” by example in a manner that conflicts with the definition of “eligible uses” in s. Comm 139.20 (3). The department should reconcile these sections. Is it necessary to define “eligible uses” in s. Comm 139.20? Where is the term used in the substantive portion of the proposed rule? Would

it be appropriate to revise s. Comm 139.30 (2) (b) (intro.) to read: “The grant funds may be used for capital or operating expenses incurred in establishing, equipping, or maintaining a facility for the work in the rural municipality:”? The use of “only” in the current (intro.) section is awkward when subd. 4. refers to “Other expenditures....”

d. In s. Comm 139.40 Note, the department should replace “chapter” with “ch.”

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

a. In s. Comm 139.20 (2), the department should clarify the use of the word “outsources” in the definition of “eligible business.” Similarly, it is unclear from the rule whether the use of the phrase “outsources work to outside of this state” is intended as a limitation that would limit rural outsourcing grants to businesses already operating in Wisconsin at the time of application to the department. The department should clarify whether an out-of-state business that utilizes outsourcing would be able to apply to the department if it begins operations in the state that were previously “outsourced.”

b. The department should provide more information on the actual process by which grant funds will be allocated, rather than simply referring to “a manner that the department believes is most likely to promote economic development.” For example, are there opportunities for appeals of department decisions or opportunities for reconsideration?