

## **Clearinghouse Rule 09-111**

### **PROPOSED ORDER**

#### **OF THE**

#### **DEPARTMENT OF TOURISM**

The Wisconsin Department of Tourism proposes an order to create Chapter Tour 3 relating to grants to municipalities and organizations for regional tourist information centers created under 2009 Wisconsin Act 28.

#### **SUMMARY OF PROPOSED RULE**

**Statutes interpreted:** s. 41.16, Stats.

**Statutory authority:** ss. 41.16(3)(c), 227.11, Stats.

#### **Explanation of agency authority:**

Section 41.16(3)(c), Stats., requires the Department to promulgate rules to administer the grants under this section, including the preparation of an application form.

**Related statute or rule:** There are no other statutes or rules other than those listed above.

#### **Plain language analysis:**

Under the proposed rule, tourist information centers may apply for a grant to seek reimbursement to up to 50 percent of eligible costs. The proposed rule identifies the eligible costs, application procedures, contracts, and reporting requirements.

#### **Summary of, and comparison with, existing or proposed federal regulations:**

The Department is not aware of any existing or proposed federal legislation on this matter.

#### **Comparison with rules in adjacent states:**

The Department is not aware of any similar rules in surrounding states.

#### **Summary of factual data and analytical methodologies:**

The proposed rule was developed by a Department workgroup comprised of the secretary, grant coordinator, customer services manager, and the budget and policy analyst. The group researched other states for applicable laws and rules relating to grants to regional tourist information centers for reimbursement of operating costs. The workgroup also reviewed the rules for the Joint JEM grants.

#### **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:**

This proposed rule will not affect or impact adversely small businesses.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Tourism is not included as an “agency” in this section.

**Effect on small businesses:**

These proposed rules will have no effect on small businesses as defined in s. 227.114(1), Stats.

**Agency Contact Person:**

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**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to the agency contact person that is listed above until the date given in the future notice of public hearing. The deadline for submitting comments and the notice of public hearing will be posted on the Wisconsin Administrative Rules Website at: <http://adminrules.wisconsin.gov> when the public hearing is scheduled.

**Fiscal Estimate:**

2009 Wisconsin Act 28 created a grant to municipalities and organizations for regional tourist information centers. Eligible applicants may submit an application to request that the department reimburse the applicant for up to 50% of eligible costs incurred to operate a regional tourist information center. The rules will have no fiscal effect on the state.

**State Effect:**

The rules will have no cost to the state. The agency will absorb the additional staff costs to administer this grant program.

**Local Effect:**

The rules will have no cost to local governments.

**TEXT OF PROPOSED RULE:**

SECTION 1. Tour 3 is created to read:

**Chapter Tour 3**  
**Tourist Information Center Grants**

**Tour 3.01 Authority.** This chapter is promulgated under the authority of s. 41.16(3)(c), Stats., relating to grants to municipalities and organizations for regional tourist information centers created in 2009 Wisconsin Act 28.

**Tour 3.02 Purpose.** The purpose of this chapter is to establish the procedures and guidelines for the distribution of department funding for tourist information center grants pursuant to ss. 41.16(3)(c) and 41.16, Stats.

**Tour 3.03 Scope.** This chapter establishes the use of funds, defines application procedures, contracts and reporting requirements for the administration of the grant program for regional tourist information centers.

**Tour 3.04 Definitions.** In this chapter:

- (1) "Department" means the Wisconsin department of tourism.
- (2) "Eligible applicant" means any of the following and any combination of any of the following:
  - (a) A nonprofit organization, as defined in s. 106.13(4)(a) 1r., whose purposes include tourism to or within the state or a particular region in the state.
  - (b) An organization, including an elected governing body, of a federally recognized American Indian tribe or band in this state.
  - (c) A city, village, town, or county.
- (3) "Eligible costs" means any of the following and any combination of any of the following costs:
  - (a) to staff the regional tourist information center
  - (b) to acquire promotional materials
  - (c) to acquire standard display equipment
- (4) "Region" means 2 or more counties in this state.
- (5) "Tourist information center committee" means the group selected by the department to review tourist information center applications.

**Tour 3.05 Use of funds.** Grant funds received by an eligible applicant may only be used for costs to staff the regional tourism information center and for standard display equipment and promotional materials. An eligible applicant may be reimbursed for up to \$15,000 per organization per year. Applications will be reviewed twice a year, July and January. The application deadline is July 1 and January 1.

**Tour 3.06 Application procedures.** Any eligible applicant may submit an application to request that the department reimburse the applicant for up to 50% of eligible costs incurred to operate a regional tourist information center. An application for funding under this chapter shall be in such form as the department may require and shall include all of the following:

- (1) The organization name, address, telephone number and contact person for the applicant and its federal employer identification number.
- (2) Dates and hours of operation, annual attendance, brief description of cultural or recreational attractions in the region.
- (3) Description of the operating cost, copy of the invoice paid and cancelled check. Payroll register is required for staff cost. Eligible invoice and check or payroll register must be from current or prior calendar year.
- (4) Any other information the department may require to make a determination under this chapter and s. 41.16, Stats.

Note: Application materials can be obtained by writing to Tourist Information Center Grants, Wisconsin Department of Tourism, P.O. Box 8960, Madison, WI 53708-8960 or by calling telephone number 608.261.6272.

**Tour 3.07 Department determination.** The tourist information center committee shall review all applications and make funding recommendations to the department. Before awarding a grant under this chapter, the department shall determine the following:

- (1) That the applicant provides informational and promotional materials on cultural or recreational attractions in the region.
- (2) That the tourist information center is located in a place at which a tourist would be reasonably assumed to stop while traveling to or from a recreational or cultural destination.

**Tour 3.08 Contracts.** Each successful applicant shall enter into a contract with the department which shall be signed by the secretary of the department and the chief executive officer of the applicant or the applicant's authorized representative.

**Tour 3.09 Record keeping.** Each successful applicant shall maintain those records necessary for the department to determine that grant funds were expended in accordance with the terms

under this chapter. The records shall be maintained for a minimum of 3 years following the award of grant funds under this chapter.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2), Stats.

Dated: December 11, 2009

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Kelli A. Trumble  
Secretary