

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2658/P3dn
PJK:jld:jf

October 25, 2001

1. I did not add any language about delegating the responsibility for preparing and submitting the report under s. 16.28 (4). An agency head may delegate responsibilities under s. 15.02 (4). Unless you want to limit the authority to delegate to a particular person or entity, no language should be needed.
2. I did the best I could with the reporting requirements for job creation and retention. You may want something different. It was my understanding that the requirements related to income and health care benefits apply only to job creation. I tried to be consistent with that understanding throughout the draft. Also, it was unclear to me which 12 months to specify when comparing the number of current jobs with the average number in the preceding 12 months. I used the 12 months preceding the period covered by the report. You may want to use a different time frame, such as the 12 months preceding the date of the report, or something else.
3. Although I thought we had managed to resolve the dichotomy, in some instances, between the awarding and providing agencies, there was still a problem in s. 16.28 (1) (c), since the awarding agency is to submit its criteria for awarding subsidies along with its first report under s. 16.28 (4). If the awarding and providing agencies are not the same, the awarding agency would not file a report under s. 16.28 (4). See how I resolved this in s. 16.28 (1) (c) 2. Okay?
4. I can see an argument that, under the exception under s. 16.27 (3) (b) 1., almost no grants that the department of commerce provides are business subsidies because, under the language of the programs, the grants are in most cases available to a general class of similar businesses. For example, under the gaming economic development grant and loan program under s. 560.137, the department of commerce may make a grant or loan to an existing or start-up business that has been negatively impacted by the existence of a casino and that has a legitimate need for the grant or loan to improve its profitability. Is that a general class of similar businesses? I think in many cases it may be difficult to determine whether a grant or loan is a business subsidy or comes under an exception.
5. Note that I added s. 16.28 (8) (and removed s. 560.055, which was created in the previous versions of this draft) to eliminate the necessity of including language similar to s. 560.055 for every state agency.
6. As you requested, I amended the definitions of "full-time job" in ch. 560 so that the wage equaled 200% of the federal poverty line. Are they okay as amended, or was your intention to make those definitions and the requirement in s. 16.28 (1) (a) the same?

If your intention was to make them the same, which one do you want to use as the model?

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