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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 06-036

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

#### 2. Form, Style and Placement in Administrative Code

In s. Trans 510.09 (3) (e) 1., all occurrences of “must” should be changed to “shall.” [See s. 1.01 (2), Manual.]

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

a. Section Trans 510.03 (1) refers to “department secretary” while sub. (2) refers to “department’s secretary.” Consistent terminology should be used.

b. Section Trans 510.06 (1) (a) is amended to provide that “(t)he grant ceiling shall be *either* 50% of the reviewed transportation facility improvement cost, or \$5,000 for each job created in this state as a direct result of the improvement or economic development.” Section 84.185 (3) (a), Stats., indicates that the grant ceiling “shall be the *lesser*” of the 50% of the anticipated cost of improvement or \$5,000 for each job resulting directly from the improvement or economic development project. For clarity, the proposed rule should indicate that the lesser of the two options will be awarded as permitted under s. 84.185 (3) (a), Stats.

c. The amendment to s. Trans 510.06 (1) (a) also indicates that a grant ceiling may be increased or reduced under certain special circumstances. While the potential reasons for a reduced ceiling are well documented in the rule, the special circumstances for which the secretary may increase the ceiling are not described. Including the permissible reasons for increasing the ceiling described under s. 84.185 (3) (b) 2., Stats., would clarify the components of the secretary’s determination for increasing a grant ceiling. Also, in the third sentence of s.

Trans 510.06 (1) (a), "increased" should replace "amended" since the remainder of the sentence only describes increases.