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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 11-012

#### 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. Section Comm 101.20 (4) does not satisfy the requirement set forth in s. 560.2055, Stats., that the department promulgate rules *establishing the definitions* of “tier I and II county” and “tier I and II municipality”. The proposed rule simply reiterates the factors that the department may consider in establishing the definitions; it does not actually establish the definitions.

b. Schedule 101.30 does not appear to satisfy the requirement in s. 560.2055 (3) (c), Stats., that the department determine by rule the amount of tax benefits that may be awarded to a business that provides training, or the requirement in s. 560.2055 (4) (b) 2., Stats., that the department promulgate a rule setting forth a schedule of additional tax benefits for which a person who incurs costs related to job training may be eligible. The rule should specify the specific conditions under which tax benefits will be provided for job training and the amount of benefits that will be provided for specific types of training.

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

The rule incorrectly creates two provisions that are each numbered s. Comm 101.30 (2). The second one should be numbered sub. (3). In the first sub. (2), the subunits should be lettered paragraphs.

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

a. The rule should set forth a time frame within which the department must provide the notification under s. Comm 101.30 (2) (a). [As noted above, this provision should be renumbered (3) (a).]

b. Section Comm 101.40 should identify the specific contract requirements and penalties in ch. Comm 149 that apply to contracts under ch. Comm 101. Section Comm 101.40 should also set forth specific requirements relating to the “minimum benchmarks and outcomes” referred to in s. Comm 101.50 (2) (b) and information regarding the imposition of the penalties referred to in s. Comm 101.60 (2).

c. In s. Comm 101.50 (2) (a), should “may” be changed to “shall”?

d. The rule should specify that to be eligible for tax benefits a business must increase net employment in its business, as provided in s. 560.2055 (3) (intro.), Stats.

e. The rule should explain how the amount of tax credits that a recipient may claim will be determined.

f. The analysis should provide a more detailed plain language analysis of the rule and should explain the department’s authority for its proposed use of the factors set forth in s. Comm 101.30 (2).

g. It appears that in s. Comm 101.60 (1), the phrase “Positions that are created as a result of the tax credits claimed” should be changed to “Any position for which a tax credit is claimed”.