

CR 93-199

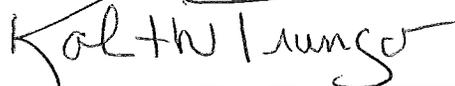
CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF DEVELOPMENT)

I, Robert N. Trunzo, Secretary and custodian of the official records of the Department of Development, do hereby certify that the annexed rules relating to the Recycling Loan and Rebate Programs were duly approved and adopted by this Department on April 26, 1994.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand as Secretary at
123 West Washington Avenue in the City
of Madison, this 26th day of April, 1994.



Robert N. Trunzo

18-007



7-1-94



Text of Rule:

SECTION 1. DOD 23.02 (6) is amended to read:

DOD 23.02 (6) "Financial audit" means an audit performed to the satisfaction of the department ~~in accordance with the standards adopted by the American institute of certified public accountants on the revenues and expenditures made in association with a grant or loan under this subchapter.~~

SECTION 2. DOD 23.02 (7) is repealed.

SECTION 3. DOD 23.02 (8e), (8m), (8t) and (10m) are created to read:

DOD 23.02 (8e) "Municipality" means a town, city, village or county in the state.

(8m) "Nonprofit organization" has the meaning contained in s. 560.20 (1) (d), Stats.

(8t) "Other public entity" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute or ordinance or a governmental or quasi-governmental corporation.

(10m) "Recyclable material" has the meaning contained in s. 560.12 (1) (ae), Stats.

SECTION 4. DOD 23.02 (14) is repealed.

SECTION 5. DOD 23.03 is amended to read:

DOD 23.03 MATCH REQUIREMENTS. Applicants for a recycling loan or grant shall provide a match for the recycling loan or grant received of not less than 25% of the project cost. The board ~~shall~~ may require a higher match requirement to the extent that the financial documentation in the application indicates the ability on the part of the applicant to finance a greater share of the project.

SECTION 6. DOD 23.04 (title) is amended to read:

DOD 23.04 (title) RECYCLING LOAN AND GRANT PROGRAM.

SECTION 7. DOD 23.04 (1) (intro.) is renumbered DOD 23.04 (1) and amended to read:

DOD 23.04 (1) An eligible applicant for ~~the~~ a recycling loan or grant program is a new or expanding business which proposes to ~~do any of the following~~ undertake a project under s. 560.65 (1m), (2) or (3), Stats.

SECTION 8. DOD 23.04 (1) (a) and (b) and (2) are repealed.

SECTION 9. DOD 23.04 (3) (a) and (b), (4) and (5) (intro.) and (5) (a) are amended to read:

DOD 23.04 (3) (a) An explanation of how the proposed recycling project addresses the applicable standards contained in ~~sss. 560.605 (1) (a) to (e) 1., (1) (f) to (h), 2 (a) to (e) and (4), (5), (5m) and 560.65, Stats.~~

(b) An explanation of how the proposed recycling project ~~under sub. (1) (a)~~ addresses the applicable items contained in sub. (5) ~~or of how the proposed project under (1) (b) addresses the items contained in sub. (5) (a) to (g).~~

(4) The board may not award a loan or grant under this section unless, after considering the application and any other information it deems relevant, the board makes the determinations required under ~~sss. 560.605 (1) and 560.65, Stats.~~

DOD 23.04 (5) (intro.) The board shall consider the applicable criteria in pars. (a) to ~~(g)~~ (c) before awarding a loan or grant under this section ~~for a project under sub. (1) (a) and shall consider pars. (a) and (d) to (g) before awarding a loan under this section for a project under sub. (1) (b).~~ The board may choose not to award a loan or grant if the proposed recycling project does not compare favorably to other applications on the following applicable items:

(a) The extent to which the project addresses the applicable items contained in ~~s. ss. 560.605, (2) and (4), (5) and (5m) and 560.65, Stats.~~

SECTION 10. DOD 23.04 (5) (b) is repealed.

SECTION 11. DOD 23.04 (5) (c) is renumbered 23.04 (5) (b) and amended to read:

DOD 23.04 (5) (b) The volume of postconsumer waste ~~that is on the priority list identified under s. 159.03 (1) (b), Stats.~~ and the volume of waste that is generated in Wisconsin that will be used in relation to the amount of financing being requested.

SECTION 12. DOD 23.04 (5) (d) to (g) are repealed.

SECTION 13. DOD 23.04 (5) (c) is created to read:

DOD 23.04 (5) (c) The potential for the project to succeed.

SECTION 14. DOD 23.04 (6) is repealed and recreated to read:

DOD 23.04 (6) The board may award a loan or grant under this section, pursuant to s. 560.65 (1m), (2) or (3), Stats.

SECTION 15. DOD 23.045 is created to read:

DOD 23.045 MARKET DEVELOPMENT. (1) An eligible applicant for a market development grant is a municipality, other public entity, business, nonprofit organization or an entity organized by a group of any of the entities listed

in this subsection which proposes to develop markets for materials recovered from postconsumer waste in a defined geographical area of the state.

(2) The board may award a grant of up to \$100,000 to an eligible applicant in any fiscal year. An applicant that is a single municipality, other public entity, business or nonprofit organization shall provide a match equal to not less than 35% of the project cost. An applicant that is an entity organized by a group of any of the entities listed in this subsection shall provide a match equal to not less than 25% of the cost of the project.

(3) Market development grant funds may be used to pay the cost of providing services to develop markets for materials recovered from postconsumer waste including services related to the following:

- (a) Collection and processing of one or more postconsumer waste materials.
- (b) Marketing one or more postconsumer waste materials.
- (c) Transporting postconsumer waste materials to market.
- (d) Research to locate markets for postconsumer waste materials.
- (e) Training and education.
- (f) Training brokers of one or more materials recovered from postconsumer waste.
- (g) Any combination of pars. (a) to (f).

(4) An application for a market development grant shall be in such form as the department may require and shall include all of the following:

(a) An explanation of how the proposed project addresses the applicable standards contained in ss. 560.605 (1), (4), (5) and (5m) and 560.65, Stats.

(b) A description of the proposed project including the proposed market development services, a schedule, the location of the proposed project and the geographic area it will serve, the type, quantity and source of postconsumer material relevant to the project, the current status of the project and a budget.

(c) Evidence that the project will comply with applicable regulatory requirements.

(d) If the applicant is an entity organized by a group of any of those entities listed in sub. (1), an agreement signed by the chief elected official or chief executive officer of each of the participating entities that specifies the obligations of each participant.

(e) A description of the goals and strategies of the proposed project.

(f) A description of plans to coordinate the proposed project with other related recycling efforts.

(5) The board may not award a grant under this section unless, after considering the application and any other information it deems relevant, the board makes the determinations required under s. 560.605 (1), Stats.

(6) The board shall consider the criteria in pars. (a) to (e) before determining the amount of and awarding a grant under this section. The board may choose not to award a grant if the proposed project does not compare favorably to other applicants on the following items:

(a) The extent to which the project addresses the applicable items contained in ss. 560.605 (4), (5) and (5m) and 560.65, Stats.

(b) The extent to which the proposed project addresses regional recycling market development needs.

(c) The level of coordination with other public and private sector participants to develop markets for postconsumer waste recovered in the state.

(d) The reasonableness of the cost of the proposed project.

(e) The transferability of the information developed by the proposed project to other recycling efforts in the state.

SECTION 16. DOD 23.05 (1) (intro.) is amended to read:

DOD 23.05 (1) (intro.) An eligible applicant for the recycling rebate program is ~~a an organization sole proprietorship, association or corporation to which all of the following apply:~~ entity identified in and that meets the criteria in s. 560.12 (4).

SECTION 17. DOD 23.05 (1) (a) to (c) and (2) are repealed.

SECTION 18. DOD 23.05 (3) (intro) is renumbered (2) and amended to read:

DOD 23.05 (2) An application by an eligible applicant for the recycling rebate program shall be in such form as the department may require and shall include ~~all of the following:~~ an explanation of how it meets the criteria established under sub. (6).

SECTION 19. DOD 23.05 (3) (a), (b) and (c) are repealed and recreated to read:

DOD 23.05 (3) (a) The department may make a rebate for qualified property under s. 560.12 (5), Stats., that meet the applicable requirements under s. 560.12, Stats.

(b) Proceeds from a rebate that is provided for qualified property that was purchased, in whole or in part, with a recycling loan first shall be used to pay the debt for the qualified property.

(c) The amount of the rebate to be paid to each applicant shall be determined pursuant to s. 560.12 (5), Stats.

SECTION 20. DOD 23.05 (3) (d) is repealed.

SECTION 21. DOD 23.05 (4) is repealed and recreated to read:

DOD 23.05 (4) (a) The department may award rebates for other activities to applicants pursuant to s. 560.12 (6), Stats., that meet the applicable requirements under s. 560.12, Stats.

(b) The amount of the rebate to be paid to each applicant shall be determined pursuant to s. 560.12 (6), Stats.

SECTION 22. DOD 23.05 (5) is repealed.

SECTION 23. DOD 23.05 (6) (a), (b) and (c) are repealed and recreated to read:

DOD 23.05 (6) (a) The existing or potential market for the product.

(b) The potential of the project to succeed.

(c) The priority of the waste to be used under s. 159.03 (1) (b), 1991 Stats., in effect on January 1 of the year in which the rebate is requested.

SECTION 24. DOD 23.05 (d) to (l) are repealed.

SECTION 25. DOD 23.06, 23.08 and 23.09 are amended to read:

DOD 23.06 CONTRACTS. A successful applicant shall enter into a contract with the department for the purposes of implementing the proposed loan, grant or rebate. The contract shall be signed by the secretary of development and the chief executive officer of the successful applicant, or by their authorized representatives. The department may void a contract and seek a return of any funds released under the contract for failure by the business recipient of the grant or loan to perform its obligations under the contract. Amendments to these contracts may be adopted by the written consent of both parties.

DOD 23.08 ADMINISTRATION. The department shall solicit applications, review applications, make recommendations to the board on the disposition of applications, authorize payments and otherwise implement contractual obligations entailed in loans and grants made under the terms of this subchapter, monitor project activities, receive and review the financial reports and program reports submitted under s. DOD 23.07, and collect any repayments of loans from successful applicants. The department shall solicit applications, review applications, make funding decisions on applications, implement contractual obligations, authorize payments, monitor project activities, receive and review the financial and program reports submitted under s. DOD 23.07 for the rebate program. The department shall report semiannually to the chairs of the economic development standing committees of the legislature on the status of the program.

DOD 23.09 BOARD OPERATIONS. The board shall consider the recommendations of the department relating to the recycling loan and grant projects. The board shall approve an application before the department may enter into a contract under s. DOD 23.06. The department shall maintain records of the board's proceedings and provide other staff support as may be necessary to the board.

EFFECTIVE DATE. The regulations set forth in this order shall be effective on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.24 (2) (intro.), Stats.

Dated: 4-26-94

Agency: *Robert N. Trunzo*
Robert N. Trunzo, Secretary

