

## Chapter Comm 119

### MINING ECONOMIC DEVELOPMENT GRANTS AND LOANS

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**Comm 119.01 Purpose.** The purpose of this chapter is to establish a procedure for the administration of the mining economic development grants and loans program as provided by s. 560.135, Stats.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.02 Policy statement.** As the state economic development agency, the department shall administer and coordinate economic and business development programs to foster investment, job creation, and diversification of the state's economy. The department shall provide financial and technical assistance to businesses for economic development and diversification purposes in areas affected by metallic mineral mining. Through the use of the mining economic development grant and loan program, the department shall seek to maximize the use of limited funds by leveraging private investment and utilizing other sources of available funds.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.03 Definitions.** In this chapter:

- (1) "Area affected by mining" has the meaning given in s. 560.135 (1) (a), Stats.
- (2) "Board" has the meaning given in s. 15.155 (1), Stats.
- (3) "Business" has the meaning given in s. 560.60 (2), Stats.
- (4) "Community based organization" has the meaning given in s. 560.14 (1) (c), Stats.
- (5) "Department" means the department of commerce.
- (6) "Local development corporation" has the meaning given in s. 560.135 (1) (e), Stats.
- (7) "Mining" has the meaning given in s. 560.135 (1) (f), Stats.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.04 Eligible applicants.** An eligible applicant includes any of the following:

- (1) A business, to finance costs associated with start-up, maintenance or expansion in an area affected by mining.
- (2) A city, village, town or county, to develop an economic diversification plan.
- (3) A city, village, town, county, community-based organization or local development corporation, to establish a local revolving loan fund to finance businesses that will create long-term employment opportunities.
- (4) A community-based organization or local development corporation, to conduct a local economic development project that will create long-term employment opportunities and to provide assistance to businesses or entrepreneurs.
- (5) A business, to obtain professional services related to the start-up maintenance or expansion of the business, including assistance with feasibility studies or financial and marketing plans and managerial assistance after the start-up or expansion.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.05 Grant and loan amounts and restrictions.** (1) The amount of funding for a project and a determination as to whether the project will be funded as a grant or loan will

be at the discretion of the board. Insofar as it is practical, the board will require repayment of the loan funds plus a reasonable return on the loan. The repayment provisions shall be determined on a case-by-case basis by the board.

(2) An applicant that is awarded funds for a revolving loan fund project under this chapter shall administer and use the fund in accordance with the revolving loan fund manual established by the department. The department shall prepare a revolving loan fund manual which is may update as needed. The manual shall contain the application procedures, requirements and instructions for funding under this chapter.

**Note:** Written instructions for a revolving loan fund manual may be obtained at no charge from the Department of Commerce, Bureau of Business Finance, P.O. Box 7970, Madison, Wisconsin 53707, telephone 608/266-1018.

(3) The board may not award a grant or loan under this chapter if the proceeds will be used to establish or expand a business that is solely dependent on mining activity.

(4) The maximum award the board can make for any one project is:

- (a) For a project under s. Comm 119.04 (1), (2), or (4), \$100,000.
- (b) For a project under s. Comm 119.04 (3), \$200,000.
- (c) For a project under s. Comm 119.04 (5), \$15,000.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.06 Application manual.** The department shall prepare an application manual which it may update as needed. The manual shall contain the application procedures, requirements and instructions for funding under this chapter.

**Note:** Written instructions for applications may be obtained at no charge from the Department of Commerce, Bureau of Business Finance, P. O. Box 7970, Madison, Wisconsin 53707, telephone 608/266-1018.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.07 Evaluation criteria.** (1) In awarding grants and loans under this chapter, the board shall consider all of the criteria in s. 560.135 (5), Stats.

(2) The board may develop other evaluation criteria in order to make a determination in accordance with the provisions of this chapter and s. 560.135, Stats.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.08 Contracts.** Successful applicants shall be required to enter into a contract with the department for the purpose of implementing the proposed grant or loan. The contract shall be signed by the secretary of the department and the person or persons authorized by the applicant to enter into the contract. The department may void a contract and seek a return of any funds released under the contract for failure by the recipient to perform its obligations under the contract. Amendments to these contracts may be adopted by the consent of both parties.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.09 Reporting and auditing.** Each successful applicant shall provide the department periodic reimbursement documentation and program reports on the project. A financial audit and final program report shall be submitted at the end

of each contract. The financial audit shall be performed to the satisfaction of the department. The cost of the audit may be covered by the grant or loan. The reimbursement documentation, audit and program reports shall be submitted to the department by a date specified in the contract. The reimbursement documentation, financial audit and the program reports become the property of the department and are open to public inspection.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.10 Administration.** The department shall solicit applications; review applications; make recommendations to the board on the disposition of applications; enter into contracts with successful applicants; authorize payments and otherwise

implement contractual obligations entailed in grants or loans made under this chapter; monitor project activities; receive and review the reimbursement documentation and program reports submitted under s. Comm 119.07; and collect any repayments of loans from successful applicants.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.

**Comm 119.11 Board operations.** The board shall consider the recommendation of the department relating to the project. The board shall approve an application before the department may enter into a contract for a grant or loan under this chapter. The department shall maintain records of the board proceedings and provide staff support as may be necessary to the board.

**History:** Cr. Register, November, 1998, No. 515, eff. 12-1-98.