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Jim Doyle, Governor
Jack L. Fischer, A.I.A., Secretary

Bruce Hoesly
Code Editor, Legislative Reference Bureau
Suite 200
1 East Main Street
Madison, Wisconsin 53703

Dear Mr. Hoesly:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter Comm 4

RELATING TO: Grants for Construction Career Academies

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: James Quast TITLE: Program Manager

TELEPHONE: (608) 266-9292 EMAIL: jim.quast@wisconsin.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Revisor of Statutes, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Jack L. Fischer, A.I.A.
Secretary

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1) and 101.31, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 4 relating to grants for construction career academies and affecting small business.

The public hearing will be held as follows:

Date and Time:

January 30, 2008
10:00 a.m.

Location:

Conference Room 3C
Thompson Commerce Center
201 West Washington Avenue
Madison

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until February 8, 2008, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wisconsin.gov, or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.: Chapter Comm 4

Relating to: Grants for Construction Career Academies

The Wisconsin Department of Commerce adopts an order to create ch. Comm 4, relating to grants for construction career academies and affecting small business.

Analysis of Rule

1. Statutes Interpreted

Statutes Interpreted: s. 101.31, Stats., as created by 2007 Wisconsin Act 20.

2. Statutory Authority

Statutory Authority: ss. 101.02 (1) and 101.31, Stats., as created by 2007 Wisconsin Act 20.

3. Related Statute or Rule

None

4. Explanation of Agency Authority

Under the authority of chapter 101, Stats., the Department of Commerce has oversight of various construction programs to protect public safety. Under 2007 Wisconsin Act 20, the department has been directed to administer a grant program for construction career academies.

5. Summary of Proposed Rules

The proposed rules establish administrative procedures for the submittal and approval of grants for construction career academies.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

An internet search on federal grants for construction career academies in the U.S. federal regulations and U.S. federal register yielded no results.

7. Comparison with Rules in Adjacent States

An Internet-based search of grants programs for construction career academies in the states of Illinois, Iowa, Michigan and Minnesota found that none of the states have specific rules or programs regarding these types of grants.

8. Summary of Factual Data and Analytical Methodologies

The proposed rules were developed by reviewing the provisions under s. 101.31, Stats., as created by 2007 Wisconsin Act 20, as well as existing administrative rules for grant programs administered by the Department of Commerce.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report

The proposed rules establish procedures for the issuance of grants to assist construction career academies, as instructed under s. 101.31, Stats., of 2007 Wisconsin Act 20. The enabling legislation affords certain entities the opportunity to acquire funds to further education in the various fields of construction. Based upon the conditions established under the enabling legislation, it is anticipated that construction organizations, high schools and technical colleges will be the likely applicants for the grants. These types of entities are not small businesses by definition. Therefore, the department does not believe that the proposed rules will have a direct effect on small business.

An economic impact report has not been required to be prepared.

10. Agency Contact.

James Quast, Program Manager, jim.quast@wisconsin.gov, (608) 266-9292

11. Public Hearing Comments.

The hearing record on this proposed rulemaking will remain open until February 8, 2008. Written comments on the proposed may be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

SECTION 1. Chapter Comm 4 is created to read:

Chapter Comm 4
Grants for Construction Career Academies

Comm 4.01 Purpose. The purpose of this chapter is to establish procedures for the submission and approval of grants for construction career academies as provided by s. 101.31, Stats.

Comm 4.02 Definitions. In this chapter:

(1) “Department” means the department of commerce.

Comm 4.10 Eligibility. (1) (a) Only applicants meeting all of the criteria specified in s. 101.31 (2) and (3), Stats., may applied and receive grants under this chapter.

Note: Section 101.31 (2) and (3), Stats., reads: (2) An organization is eligible for a grant under this section if it proposes to operate a construction career academy that meets the following minimum criteria:

(a) It has established a partnership between a school board operating a high school, or a local business or sponsoring organization, and a technical college district board or baccalaureate degree granting institution in which the partners have committed to participate in the operation of the construction career academy for a minimum of 3 years.

(b) It provides high school pupils with the opportunity to receive up to 3 years of training in construction-related careers.

(c) It incorporates industry concepts into core academic areas.

(d) It incorporates into its curriculum work experience in construction-related industries.

(e) It coordinates classroom credits with a technical college district or with a baccalaureate degree granting institution.

(f) It uses a learning community curriculum approved by the department in consultation with the department of public instruction.

(g) It awards a certificate of recognition to each pupil who successfully completes the construction career academy’s plan of study.

(3) The recipient of a grant under this section shall provide matching funds equal to 50 percent of the grant amount awarded to the recipient.

(b) Grants shall only be awarded for construction career academies located in Wisconsin.

(c) An applicant who has failed to comply with any condition imposed by the statutes or the department on any previous grant received under this chapter shall not be eligible for to apply for another grant.

(2) A grant awarded under this chapter shall only be used to cover the costs established under s. 101.31 (4), Stats.

Note: Section 101.31 (4), Stats., reads: (4) The recipient of a grant under this section may use the grant funds only for the following purposes:

(a) To purchase materials and equipment, fund field trips, and make improvements to facilities, or for other specific needs relating to the construction career academy.

(b) For developing a core curriculum, for professional development, or for other administrative needs of the recipient.

Comm 4.11 Application. An application for a grant under this chapter shall be submitted to the department on a form specified by the department.

Note: Application forms are available from the Department of Commerce, Safety and Buildings Division, P.O. Box 2689, Madison, WI 53701-2689, telephone 608/267-7201, or at the Safety and Buildings Web site at www.commerce.wi.gov/SB/.

Comm 4.11 Awarding of grants. (1) (a) The amount of an award shall be limited pursuant to s. 101.31 (5), Stats.

Note: Section 101.31 (4), Stats., reads: **(5)** (a) The department may award a grant for the purposes described under sub. (4) (a) in an amount that equals not more than \$900 for each pupil enrolled in the construction career academy at the time that the award is granted.

(b) The department may award a grant for the purposes described under sub. (4) (b) in an amount not exceeding \$50,000.

(b) Once all the money under the grant program of this chapter has been committed, the department shall not accept or act upon additional grant applications.

(2) (a) Successful applicants shall be required to enter into a contract with the department for the purpose of implementing the proposed grant.

(b) 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.

(c) 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.

(d) Amendments to these contracts may adopted by the consent of both parties.

(3) (a) Each successful applicant shall provide the department periodic reimbursement documentation and program reports on the project.

(b) A financial audit and final program report shall be submitted at the end of each contract.

(c) The financial audit shall be performed to the satisfaction of the department.

(d) The reimbursement documentation, audit and program reports shall be submitted to the department by a date specified in the contract.

(e) The reimbursement documentation, financial audit and the program reports become the property of the department and are open to public inspection.

(4) The department shall release grant funds after review and acceptance of the required reimbursement documentation.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapter Comm 4

RELATING TO: Grants for Construction Career Academies

1. Types of small businesses that will be affected by the rules.

The proposed rules establish procedures for the issuance of grants to assist construction career academies, as instructed under s. 101.31, Stats., of 2007 Wisconsin Act 20. Based upon the conditions established under the legislation, it is anticipated that construction organizations, high schools and technical colleges will be the likely groups applying for the grants.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

Successful applicants will be required to enter into contract with the department. The successful applicants will also be required to submit periodic documentation demonstrating compliance with the conditions of the grant and the contract.

3. Types of professional skills necessary for compliance with the rules.

It is anticipated that no additional or new professional skills are necessary in order to comply with the rules.

4. Rules have a significant economic impact on small businesses.

No Rules not submitted to Small Business Regulatory Review Board

Yes Rules submitted to Small Business Regulatory Review Board

NOTICE of ENVIRONMENTAL ANALYSIS

Department of Commerce

Rule No.: Chapter Comm 4

Relating to: Grants for Construction Career Academies

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
 Chapter Comm 4

Amendment No.

Subject

Grants for Construction Career Academies

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

None

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0 _____	\$ 0 _____
NET CHANGE IN REVENUES	\$ 0 _____	\$ 0 _____

Agency/Prepared by: (Name & Phone No.)

Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.

Date