

Report From Agency

REPORT TO LEGISLATURE

NR 127, 160 and 166, Wis. Adm. Code
Safe Drinking Water Loan Program

Board Order No. CF-13-06
Clearinghouse Rule No. 06-023

Basis and Purpose of the Proposed Rule

Chapter NR 166 contains the rules for the Safe Drinking Water Loan Program. Changes to ch. NR 166 are necessary at this time in order to clarify several sections of the code and to maintain consistency with ch. NR 162. Chapter NR 162 contains the rules for the Clean Water Fund Program. Both the Safe Drinking Water Loan Program and the Clean Water Fund Program are revolving loan programs for which Wisconsin receives annual capitalization grants from the U.S. Environmental Protection Agency. The two programs have very similar federal guidelines, so the department runs the programs as consistently as possible to prevent confusion and gain efficiencies.

To maintain consistency between chs. NR 166 and 162, the department is proposing minor revisions to the following sections of ch. NR 166: cost eligibility, notice of intent to apply, application, financial assistance requirements, financial management, financial assistance disbursements and amendments.

To clarify and codify existing policies, in some cases in response to Legislative Clearinghouse comments, the department is revising the following sections of ch. NR 166: definitions, project eligibility, engineering report, procurement, financial assistance agreement conditions, records and record retention, priority scoring criteria, and procedure for determining and updating project priority scores.

The department also proposes to add language to the 'types of financial assistance available' section of ch. NR 166 to limit the refinancing of local governmental units' existing, long-term debt on projects for which construction has been substantially complete for more than 3 years.

In addition to repealing and recreating ch. NR 166, the department is repealing chs. NR 127 and 160. These chapters contained the rules for grant programs that have been obsolete for more than 10 years due to changes in federal regulations and state statutes. By repealing these codes, the department hopes to eliminate any confusion their existence may cause about available funding programs.

Summary of Public Comments

No oral comments were made at the public hearing, and one letter was received. The modifications made were in response to this comment.

Modifications Made

A minor change to the existing code language regarding intermunicipal agreements was made. The order as originally proposed included a request to repeal ch. NR 128 along with chs. NR 127 and 160. That request has been withdrawn in response to a comments.

Appearances at the Public Hearing

No one appeared at the public hearing.

Changes to Rule Analysis and Fiscal Estimate

No changes were needed.

Response to Legislative Council Rules Clearinghouse Report

The department made a majority of the changes requested by the Rules Clearinghouse. The following requests for modifications were not made:

In 4.b. and 4.d., the Clearinghouse asked if certain permits or requirements could be specified in the code. It would be difficult to list these permits or requirements specifically without risking leaving something out or including items that are not required to each applicant; therefore, the department did not list the permits or requirements specifically in the code.

In 5.b., 5.c. and 5.k., the department did not make the changes proposed because the suggested changes would have made the code sections incorrect.

In 5.h., the Clearinghouse asked if the term “biennium” should be defined in a particular section of the code. The department did not define the term because the statute related to that section is very clear about what “biennium” means.

Final Regulatory Flexibility Analysis

The proposed rule does not regulate small businesses; therefore, a final regulatory flexibility analysis is not required.