WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-094

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

2. Form, Style and Placement in Administrative Code

a. There is circularity in the definition of "affected producer" in that it cross references a section that uses the defined term. It is suggested that the definition be modified to resemble s. ATCP 143.05, as follows:

"Affected producer" means a person who does all of the following:

(a) Grows corn in this state or another state.

(b) Sells corn in this state, except for the following:

1. Corn sold for seed.

2. Corn sold directly to a person who uses the grain to feed that person's livestock."

Note that the phrase "as a landowner or a tenant" is omitted from par. (a); since the only way to grow corn is as a landowner or as a tenant, the phrase adds nothing. Note also that the phrase "other than a grain dealer who is required to be licensed under ch. 126, Stats." is omitted from par. (b) 2.; presumably, a licensed grain dealer could buy corn to feed his or her own livestock, apart from his or her grain dealing business, and that corn should not be part of the marketing order. It is suggested that the phrase be omitted from s. ATCP 143.05 as well.

b. The language used in ch. 15 of the statutes to create boards, councils, departments, etc., is: "There is created …". The department may want to use this language in s. ATCP 143.04 (1) (a): "There is created a corn marketing board, which shall administer this marketing order."

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c. The phrase "that is subject to assessment under s. ATCP 143.05" should be added to the end of the first sentence of s. ATCP 143.06 (2).

d. Should s. ATCP 143.08 (2) specify a time frame for the submission of the required reports? Also, on page 9, line 15, the word "that" should be underscored.