

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules

(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hr_AC-EdR_RCP_pt01a
- 97hr_AC-EdR_RCP_pt01b
- 97hr_AC-EdR_RCP_pt02

- Appointments ... Appt
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ATCP 2, 40, 42, 45, 50, 92, 100, 109 ETC
FARM REMED/AERB

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

Notice of Hearing

Technical Rule Changes

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold a public hearing on proposed amendments to chapters ATCP 2, 40, 42, 45, 50, 92, 100, 109, 118 (JUS 2), 121 and 161, Wis. Adm. Code, relating to technical and remedial rule changes pertaining to farm mediation and arbitration, sustainable agriculture, agricultural development and diversification, commercial feed, soil and water resource management, LP gas meters, freezer meat and food service plans, referral selling plans and car rental notices. The hearing will be held at the time and place shown below. The public is invited to attend the hearing and comment on the proposed rule. Following the public hearing, the hearing record will remain open until **December 10, 1998** for additional written comments.

A copy of this rule may be obtained, free of charge, from the Wisconsin Department of Agriculture, Trade and Consumer Protection, Office of Legal Counsel, 2811 Agriculture Drive, Box 8911, Madison, WI 53708-8911, or by calling (608-225-5023). Copies will also be available at the public hearing.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter by **November 20, 1998** either by writing to Margaret Maly, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708, (608-224-5023) or by contacting the message relay system (TTY) at **608-224-5028**. Handicap access is available at the hearing.

One hearing is scheduled:

December 3, 1998, Thursday, 9:00 a.m.

Wisconsin Department of Agriculture, Trade & Consumer Protection
Board Room
2811 Agriculture Drive
Madison, WI

Written comments will be accepted until **December 10, 1998**.

**Analysis Prepared By the Department of
Agriculture, Trade and Consumer Protection**

Statutory Authority: ss. 92.05(3)(c), 93.07(1), 93.47(2), 93.50(2)(f),
94.64(9), 94.65(9), 98.245(7)(a)1. and 344.576(3)(c), Stats.

Statutes Interpreted: ch. 92 and ss. 93.46, 93.47, 93.50, 94.64, 94.65,
98.245(7)(a) and 344.576(3), Stats.

This rule makes the following organizational and drafting changes to rules currently administered by the Department of Agriculture, Trade and Consumer Protection (DATCP):

- It renumbers ch. ATCP 2 (Farm Mediation and Arbitration Program) to ATCP 162. This reflects an organizational change in which the farm mediation and arbitration program was transferred from the secretary's office to the marketing division in DATCP.
- It repeals ch. ATCP 45 (Sustainable Agriculture Program), and incorporates the sustainable agriculture program as part of the agricultural development and diversification (ADD) grant program under ch. ATCP 161. This reflects an organizational change in which the sustainable agriculture program was transferred from the agricultural resource management division to the marketing division in DATCP. It also reflects budget legislation contained in 1997 Wis. Act 27, which merged the sustainable agriculture program with the ADD grant program.
- It updates technical standards currently incorporated by reference in ch. ATCP 40 (Fertilizer and Related Products), ATCP 42 (Commercial Feed) and ATCP 50 (Soil and Water Resource Management). It also expands some ATCP 50 technical standards for cost-shared conservation projects, to reflect new USDA technical standards. The department will request permission from the Attorney General and Revisor of Statutes to incorporate the updated technical standards by reference, as required under s. 227.21, Stats.
- It implements s. 98.245(7), Stats., which requires owners of liquid LP gas meters to register those meters with the department. The statute requires a one-time registration fee of \$25. This rule incorporates the statutory fee.
- It implements s. 98.245(4), Stats., which requires temperature compensation in all liquid measurement of LP gas deliveries. 1995 Wis. Act 183 eliminated an exemption for deliveries of less than 100 gallons made directly to mobile fuel tanks. This rule modifies current DATCP rules accordingly.

- It updates obsolete addresses and cross-references in ch. ATCP 109 (Freezer Meat and Food Service Plans) and ATCP 121 (Referral Selling Plans).
- It renumbers and retitles ch. JUS 2 (Notice of Renter Liability; Rental of Passenger Vehicles) to ATCP 118 (Car Rentals; Notice of Renter Liability), and makes nonsubstantive drafting changes. The Legislature transferred responsibility for the car rental notice law under subch. V of ch. 344, Stats., from the Department of Justice to DATCP. This rule change reflects that transfer of responsibility.

Fiscal Estimate

These technical changes will have no fiscal impact on the department or local units of government.

Initial Regulatory Flexibility Analysis

This rule has no direct effect on small businesses in Wisconsin.

Dated this 13 day of October, 1998.

By Ben Brancel
Ben Brancel, Secretary
Department of Agriculture, Trade
and Consumer Protection