

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-005

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 September 1998.]

1. Statutory Authority

In general, s. 94.64 (4) (a) 1., Stats., provides that a person licensed to sell or distribute fertilizer in Wisconsin must pay a basic fee of \$.25 per ton for fertilizer sold or distributed before July 1, 1999 and \$.32 per ton for fertilizer sold or distributed after June 30, 1999. Section ATCP 40.06 (3) (a) 1. extends the \$.25 fee through June 30, 2001 and provides for a \$.31 fee after June 30, 2001. The rule provision does not appear to be statutorily authorized.

2. Form, Style and Placement in Administrative Code

- a. In s. ATCP 40.015 (2) (a), the notation “Wis.” should be deleted.
- b. Section ATCP 40.06 (3) (a) should more clearly identify what persons are referred to by “a person who is required to be licensed.” Note that s. 94.64 (4) (a), Stats., the statutory language on which this provision is modeled, uses a cross-reference to identify the persons to which that provision applies. Also, this provision refers to a tonnage report form. If this is a new or revised form, the department should ensure that the requirements of s. 227.14 (3), Stats., are met.