

CR 84-209

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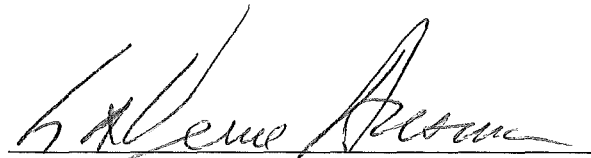
STATE OF WISCONSIN )  
 ) SS.  
DEPARTMENT OF AGRICULTURE, )  
TRADE & CONSUMER PROTECTION )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, La Verne Ausman, Secretary of the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Department, do hereby certify that the annexed order amending and creating rules relating to time deadlines for department action on permit applications, was duly approved and adopted by the Department on September 24, 1985.

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 24th day of September, 1985.



La Verne Ausman, Secretary

part 12-1-85  
part 1-1-86

1 ORDER

2 OF THE

3 STATE OF WISCONSIN

4 DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

5 ADOPTING, AMENDING OR REPEALING RULES

6 To create Ag 6.01(4) and Ag 6.02(4); to amend Ag 10.02(1)  
7 (intro.), Ag 10.045(1), Ag 10.08 (intro.), and Ag 10.09(1); to  
8 renumber Ag 10.12(1) (intro.); to create Ag 10.12(1)(b); to amend  
9 Ag 10.17, Ag 10.26(1), Ag 10.27(1)(a), Ag 11.03(1)(a), Ag 14.08,  
10 Ag 16.02(1) (intro.), Ag 16.03(1) (intro.), Ag 23.03(2),  
11 Ag 23.04(2), Ag 25.06(2)(b), Ag 27.02, Ag 28.05(3), Ag 28.06(1),  
12 and Ag 29.04(3); to create Ag 29.06(4); to amend Ag 29.07(3); to  
13 create Ag 29.08(3)(c) and Ag 29.09(3); to amend Ag 29.10(3),  
14 Ag 29.16(7)(a), Ag 40.02(3), Ag 42.03(2), Ag 48.07(3), and  
15 Ag 48.11(1); to renumber Ag 48.12; to create Ag 48.12(2); and to  
16 amend Ag 80.04(1), Ag 86.03, Ag 87.03, Ag 88.03(2), Ag 107.02(1),  
17 and Ag 120.02(1); relating to time deadlines for department action  
18 on permit applications.

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Analysis Prepared by the Wisconsin Department of  
Agriculture, Trade and Consumer Protection

Under 1983 Wisconsin Act 91, which created s. 227.0105, Stats., whenever an existing administrative rule includes a requirement for a business to obtain a permit from a state agency, the agency must propose an amendment to the rule which is limited to specifying the number of business days within which the agency will make a determination on the permit application. The department has interpreted s. 227.0105, Stats., as applying to all licenses or permits required by rule, even if the same license or permit is also required by statute.

The department's rule will carry out the mandate of s. 227.0105, Stats. by amending existing department rules which contain permit requirements. The amendments will establish response deadlines for permit applications as follows:

Buttermaker's license (Ag 6.01)-----60 days  
 Cheesemaker's license (Ag 6.02)-----60 days  
 Cattle import permit (Ag 10.02)----- 5 days  
 Swine pseudorabies vaccination permit (Ag 10.045)-- 5 days  
 Circus, rodeo and menagerie animals, import permit  
 (Ag 10.08)-----20 days  
 Equine market registration (Ag 10.09)-----60 days  
 Permit to move diseased animals (Ag 10.12)----- 5 days  
 Permit to remove livestock from slaughtering  
 establishment (Ag 10.17)----- 5 days  
 Feedlot permit (Ag 10.26)-----60 days  
 Quarantine feedlot permit (Ag 10.27)-----60 days  
 Livestock market permit (Ag 11.03)-----60 days  
 Livestock brand certificate (Ag 14.08)-----20 days  
 Weather modification license (Ag 16.02)-----20 days  
 Weather modification permit (Ag 16.03)-----20 days  
 Nursery stock import permit (Ag 23.03)-----20 days  
 Plant pest import permit (Ag 23.04)-----20 days  
 White pine blister rust, alternate host import  
 permit (Ag 25.06)-----20 days  
 Potato rot nematode transportation permit  
 (Ag 27.02)-----20 days  
 Approval to sell lime by volume (Ag 28.05)-----20 days  
 Lime license (Ag 28.06)-----20 days  
 Pesticide special use permit (Ag 29.04)-----60 days  
 Pesticide emergency use permit (Ag 29.06)-----20 days  
 Pesticide experimental use permit (Ag 29.07)-----60 days  
 Pesticide special local needs registration  
 (Ag 29.08)-----180 days  
 Pesticide manufacturers and labelers license  
 (Ag 29.09)-----20 days  
 Registration of pesticide commercial applicators  
 (Ag 29.10)-----20 days  
 Registration of pesticide distributors and dealers  
 (Ag 29.10)-----20 days  
 Pesticide commercial applicator certification  
 (Ag 29.16)-----20 days  
 Canning factory temporary operating permit  
 (Ag 40.02)-----20 days  
 Canning factory license (Ag 40.02)-----40 days  
 Cold storage warehouse license (Ag 42.03)-----40 days  
 Permit to transport lungs or lung lobes without  
 denaturing (Ag 48.07)-----10 days  
 Vehicle permits to animal food processor, renderer,  
 or dead animal collector (Ag 48.11)-----20 days  
 Vehicle transfer station permits for unloading or  
 reloading dead animals (Ag 48.12)-----40 days  
 Grade A dairy plant license (Ag 80.04)-----40 days  
 Grade A farm permit (Ag 80.04)-----40 days  
 Grade A permit for milk condensing or milk drying  
 plant (Ag 86.03)-----40 days  
 Grade A cottage cheese permit (Ag 87.03)-----20 days  
 Permit for use of Wisconsin cheese logotype  
 (Ag 88.03)-----20 days  
 Milk weighers and samplers license (Ag 107.02)-----60 days  
 Permit to install or relocate scales (Ag 120.02)---20 days

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1 Pursuant to authority vested in the state of Wisconsin  
2 department of agriculture, trade and consumer protection by  
3 s. 227.0105(1), Stats., the state of Wisconsin department of agri-  
4 culture, trade and consumer protection amends and creates rules  
5 interpreting s. 227.0105(1), Stats., as follows:

6 SECTION 1: Ag 6.01(4) is created to read:

7 (4) The department shall approve or disapprove an applica-  
8 tion for a buttermaker's license within 60 business days after the  
9 date of application, provided that the application is accompanied  
10 by all requisite information and documentation.

11 SECTION 2: Ag 6.02(4) is created to read:

12 (4) The department shall approve or disapprove an applica-  
13 tion for a cheesemaker's license within 60 business days after the  
14 date of application, provided that the application is accompanied  
15 by all requisite information and documentation.

16 SECTION 3: Ag 10.02(1) (intro.) is amended to read:

17 Ag 10.02(1) (intro.) PERMIT; INTERSTATE HEALTH CERTIFICATE.  
18 No person shall import cattle or American bison into this state  
19 unless premovement authorization for entry has been granted by the  
20 department and the animals are accompanied by an interstate health  
21 certificate. The department shall grant or deny premovement  
22 authorization within 5 business days after a request for premove-  
23 ment authorization has been made to the department, provided that  
24 the request is accompanied by all requisite information and  
25 documentation.

26 SECTION 4: Ag 10.045(1) is amended to read:

27 Ag 10.045(1) No person shall vaccinate swine for

1 pseudorabies without first obtaining a permit from the department.  
2 Permits may be granted only to veterinarians licensed in this  
3 state and then only for the vaccination of swine in infected or  
4 high risk herds. Infected or high risk herds are herds which have  
5 been determined by the department to have been infected with or  
6 exposed to swine pseudorabies. The department shall grant or deny  
7 a vaccination permit within 5 business days after a request for a  
8 vaccination permit has been made to the department, provided that  
9 the request is accompanied by all requisite information and  
10 documentation.

11 SECTION 5: Ag 10.08 (intro.) is amended to read:

12 Ag 10.08 (intro.) CIRCUS, RODEO AND MENAGERIE ANIMALS,  
13 IMPORT. No circus, rodeo and menagerie animals shall be imported  
14 into this state without first obtaining a permit from the depart-  
15 ment. The department shall grant or deny an import permit within  
16 20 business days after a request for an import permit has been  
17 made to the department, provided that the request is accompanied  
18 by all requisite information and documentation. The permit shall  
19 be valid for the calendar year for which it is issued. The  
20 department shall issue permits for such import provided:

21 SECTION 6: Ag 10.09(1) is amended to read:

22 (1) REGISTRATION. Livestock markets, other than markets  
23 licensed under s. 95.70, Stats., open to the public for trading in  
24 equidae on which facilities are maintained for the yarding, feed-  
25 ing, and watering of equidae prior to sale, may make application  
26 on approved forms with the department for the registration of the  
27 livestock market. Upon receipt of a registration certificate and

1 number from the department, the market may operate as a registered  
2 livestock market under s. Ag 10.075. The department shall grant  
3 or deny a registration application within 60 business days after  
4 the application has been filed with the department, provided that  
5 the application is accompanied by all requisite information and  
6 documentation.

7 SECTION 7: Ag 10.12(1) (intro.) and (a) through (h) are  
8 renumbered Ag 10.12(1)(a) (intro.) and 1 through 8.

9 SECTION 8: Ag 10.12(1)(b) is created to read:

10 (b) The department shall grant or deny a movement permit  
11 under this subsection within 5 business days after a permit  
12 request is made to the department, provided that the request is  
13 accompanied by all requisite information and documentation.

14 SECTION 9: Ag 10.17 is amended to read:

15 Ag 10.17 REMOVAL OF LIVESTOCK FROM SLAUGHTERING ESTABLISH-  
16 MENTS. No person shall remove any livestock from a slaughtering  
17 establishment, except those which are removed and shipped directly  
18 to another such slaughtering establishment, or are removed under  
19 special permit issued by the department. The department shall  
20 grant or deny a permit request within 5 business days after the  
21 request is made to the department, provided that the request is  
22 accompanied by all requisite information and documentation.

23 SECTION 10: Ag 10.26(1) is amended to read:

24 (1) Application for approval of a feedlot shall be made in  
25 writing to the department and shall contain a description of the  
26 premises by county and township and section number. The depart-  
27 ment shall grant or deny a permit application within 60 business

1 days after a permit application is filed with the department, pro-  
2 vided that the application is accompanied by all requisite infor-  
3 mation and documentation. Permits shall expire June 30 of each  
4 year following issuance.

5 SECTION 11: Ag 10.27(1)(a) is amended to read:

6 (1)(a) Quarantine feedlots may be operated under an annual  
7 permit from the department. Applications shall be submitted on  
8 department forms and shall include the location of the feedlot by  
9 county and township and section number. No permits shall be  
10 issued, renewed or continued in force unless the feedlot is con-  
11 structed, maintained and operated in accordance with the require-  
12 ments of this section. The department shall grant or deny a per-  
13 mit application within 60 business days after a permit application  
14 is filed with the department, provided that the application is  
15 accompanied by all requisite information and documentation.

16 SECTION 12: Ag 11.03(1)(a) is amended to read:

17 (1)(a) No premises shall be approved for use as a livestock  
18 market unless it has been inspected by the department and found to  
19 be in a condition that will make cleaning and disinfection practi-  
20 cable. All barns and adjacent pens and alleys for holding live-  
21 stock shall have floors constructed of cement or other impervious  
22 material. Such floors shall be so constructed as to enable drain-  
23 age. A clean water supply, under pressure, shall be available at  
24 the premises. The department shall grant or deny approval of a  
25 livestock market within 60 business days after a request for  
26 approval has been made to the department, provided that the  
27 application is accompanied by all requisite information and

1 documentation.

2 SECTION 13: Ag 14.08 is amended to read:

3 Ag 14.08 LIVESTOCK BRAND CERTIFICATE: No brand shall be  
4 effective until approved and recorded and an official brand cer-  
5 tificate is issued by the department. The department shall grant  
6 or deny a request for an official brand certificate within  
7 20 business days after the request is made to the department, pro-  
8 vided that the request is accompanied by all requisite information  
9 and documentation, including the proposed brand design.

10 SECTION 14: Ag 16.02(1) (intro.) is amended to read:

11 (1) (intro.) LICENSE APPLICATION. Applications for profes-  
12 sional weather modification licenses shall be submitted on forms  
13 prescribed by the department, accompanied by the required fee, no  
14 later than ~~25~~ 20 business days before the applicant plans to use  
15 the license. The department shall grant or deny a license appli-  
16 cation within 20 business days after the application is filed with  
17 the department, provided that the application is accompanied by  
18 all requisite information and documentation. In addition to other  
19 information required by the department, applicants shall provide  
20 the following information concerning the applicant's educational  
21 background, professional reputation and knowledge of or experience  
22 in weather modification:

23 SECTION 15: Ag 16.03(1) (intro.) is amended to read:

24 (1) (intro.) PERMIT APPLICATION. Applications for a weather  
25 modification permit shall be submitted on forms prescribed by the  
26 department no later than ~~25~~ 20 business days before the applicant  
27 plans to use the permit and be accompanied by the required fee.

1 The department shall grant or deny a permit application within  
2 20 business days after the application is filed with the depart-  
3 ment, provided that the application is accompanied by all requi-  
4 site information and documentation. In addition to information  
5 required under s. 93.35(6)(b), Stats., the applicant shall provide  
6 the following:

7 SECTION 16: Ag 23.03(2) is amended to read:

8 (2) Applications for a permit to import uninspected nursery  
9 stock shall be made to the department in writing. The department  
10 may require prior inspection as a condition of entry or deny the  
11 application if in its judgment a serious plant pest hazard exists.  
12 The department shall grant or deny a permit application within  
13 20 business days after the application is filed with the depart-  
14 ment, provided that the request is accompanied by all requisite  
15 information and documentation.

16 SECTION 17: Ag 23.04(2) is amended to read:

17 (2) Applications shall be made on forms prescribed by the  
18 department identifying the species or variety of plant pests to be  
19 moved, the origin and destination of the shipment, and a statement  
20 of intended use. The department shall grant or deny a permit  
21 application within 20 business days after the application is filed  
22 with the department, provided that the application is accompanied  
23 by all requisite information and documentation.

24 SECTION 18: Ag 25.06(2)(b) is amended to read:

25 (2)(b) Applications for permits shall be made to the ~~Plant~~  
26 ~~Industry Division, Department of Agriculture, Hill Farms State~~  
27 ~~Office Building, Madison, Wisconsin 53702~~ department, and shall

1 include the names and addresses of the consignee and consignor,  
2 the number and kind of plants or plant parts to be shipped or  
3 transported, and the planting destination within such control area  
4 counties. Permits will not be issued for planting within estab-  
5 lished protection and control zones or within infective distances  
6 of protected pine. The department shall grant or deny a permit  
7 application within 20 business days after the application is filed  
8 with the department, provided that the application is accompanied  
9 by all requisite information and documentation.

10 SECTION 19: Ag 27.02 is amended to read:

11 Ag 27.02 LIVING ORGANISM. No person shall move or transport  
12 any living specimen of the potato rot nematode or of any soil or  
13 plant materials containing such organism without a permit from the  
14 department. Permit may be granted only for experimental work or  
15 research by governmental agencies, educational institutions, or  
16 private laboratories engaged in plant pest research. The depart-  
17 ment shall grant or deny a permit application within 20 business  
18 days after the application is filed with the department, provided  
19 that the application is accompanied by all requisite information  
20 and documentation.

21 SECTION 20: Ag 28.05(3) is amended to read:

22 (3) The department shall grant or deny a request for  
23 approval under sub. (2) within 20 business days after the request  
24 is filed with the department, provided that the request is accom-  
25 panied by all requisite information and documentation. Unless  
26 otherwise specified in the notice of approval, all approvals for  
27 sale by volume shall expire on December 31 of each year. In the

1 event of any change in vehicle usage or other data specified under  
2 sub. (2) during the period for which approval was granted, the  
3 department shall be notified of such fact and a supplemental  
4 request for approval shall be submitted within 15 days after such  
5 change. All temporary replacement vehicles used shall be marked  
6 to show cubic yard capacity as required by s. 94.66, Stats.

7 SECTION 21: Ag 28.06(1) is amended to read:

8 (1) LICENSE REQUIREMENT. No person may engage in the busi-  
9 ness of selling or distributing liming material in this state  
10 without first obtaining a license from the department, as provided  
11 under s. 94.66(2), Stats. No license is required of persons  
12 engaged solely in the sale or distribution of liming materials  
13 obtained from a licensee, except that persons who commingle liming  
14 materials having different neutralizing indexes, or which are  
15 obtained from two or more licensees, shall not sell or distribute  
16 the commingled materials without a license from the department.  
17 The department shall grant or deny a license application within  
18 20 business days after the application is filed with the depart-  
19 ment, provided that the application is accompanied by all requi-  
20 site information and documentation.

21 SECTION 22: Ag 29.04(3) is amended to read:

22 (3) STANDARDS FOR ISSUING PERMITS; GENERAL. Permits may be  
23 issued under this section only when, in the judgment of the  
24 department, adequate controls can be established to assure that  
25 the pesticide will be used with relative safety and without unrea-  
26 sonable hazard to persons, property, wild animals or the environ-  
27 ment. As a condition to the issuance of permits, the department

1 may require that the pesticide be used only by or under the direct  
2 and immediate supervision of government officials engaged in pest  
3 control work, certified applicators, or other qualified personnel.  
4 The department shall grant or deny a permit application within  
5 60 business days after the application is filed with the  
6 department, provided that the application is accompanied by all  
7 requisite information and documentation.

8 SECTION 23: Ag 29.06(4) is created to read:

9 (4) ACTION ON PERMIT APPLICATION; TIME LIMIT. The depart-  
10 ment shall grant or deny an application for an emergency use per-  
11 mit within 20 business days after the application is filed with  
12 the department, provided that the application is accompanied by  
13 all requisite information and documentation.

14 SECTION 24: Ag 29.07(3) is amended to read:

15 (3) STANDARDS FOR ISSUING PERMITS. The department may issue  
16 permits only for bona fide experimental uses under the supervision  
17 of persons qualified by training and experience to engage in pes-  
18 ticide research, when in the department's judgment the proposed  
19 experimental use presents no significant hazard to persons, prop-  
20 erty, wild animals or the environment, and includes adequate con-  
21 trols and safeguards to prevent actual hazards. The department  
22 shall grant or deny a permit application within 60 business days  
23 after the application is filed with the department, provided that  
24 the application is accompanied by all requisite information and  
25 documentation.

26 SECTION 25: Ag 29.08(3)(c) is created to read:

27 (3)(c) The department shall grant or deny an application for

1 registration to meet a special local need within 180 business days  
2 after the application is filed with the department, provided that  
3 the application is accompanied by all requisite information and  
4 documentation.

5 SECTION 26: Ag 29.09(3) is created to read:

6 (3) ACTION ON LICENSE APPLICATION; TIME LIMIT. The depart-  
7 ment shall grant or deny a license application by a pesticide man-  
8 ufacturer or labeler within 20 business days after the application  
9 is filed with the department, provided that the application is  
10 accompanied by all requisite information and documentation.

11 SECTION 27: Ag 29.10(3) is amended to read:

12 (3) REGISTRATION PROCEDURES. Persons required to register  
13 under this section shall register on forms furnished by the  
14 department, to include the name and address of the applicator or  
15 seller and business locations from which sales are made or from  
16 which business operations are conducted. Changes in business  
17 names or locations shall be reported to the department within  
18 ~~30~~ 20 days after date of change. If a registration certificate is  
19 required by this section, the certificate shall be issued by the  
20 department within 20 business days after the department receives a  
21 completed registration form, unless the certificate is suspended  
22 or revoked by the department under this section.

23 SECTION 28: Ag 29.16(7)(a) is amended to read:

24 (7)(a) A certification card shall be issued by the depart-  
25 ment to a private or commercial applicator when the applicator has  
26 satisfied all the conditions required for certification. Persons  
27 claiming to have satisfied the applicable certification require-

1 ments may submit a request for certification to the department.  
2 The department shall grant or deny a request for certification  
3 within 20 business days after the request is made, provided that  
4 the request is accompanied by all requisite information and  
5 documentation.

6 SECTION 29: Ag 40.02(3) is amended to read:

7 (3) Upon application for a license to operate a cannery the  
8 department may issue a temporary operating permit to the applicant  
9 ~~to operate the same~~ as provided by ~~statute~~ s. 97.28(5), Stats. A  
10 temporary operating permit shall be issued or denied within  
11 20 business days after the license application is filed with the  
12 department. A temporary operating permit, if issued, shall remain  
13 in effect for 90 days, as provided by s. 97.28(5), Stats. The  
14 department shall grant or deny a cannery license application  
15 within 40 business days after the application is filed with the  
16 department or, if a temporary operating permit is issued, prior to  
17 expiration of the temporary operating permit.

18 SECTION 30: Ag 42.03(2) is amended to read:

19 (2) A license to operate a cold storage warehouse will be  
20 granted by the ~~state~~ department of agriculture, trade and consumer  
21 protection for a period of one year only, after an examination of  
22 the warehouse has been made and the warehouse is found to be in  
23 proper sanitary condition and otherwise properly equipped for its  
24 intended use and upon the payment of the required fee, said fee  
25 made payable to the state treasurer. The department shall grant  
26 or deny a license application within 40 business days after the  
27 application is filed with the department, provided that the

1 application is accompanied by all requisite information and  
2 documentation.

3 SECTION 31: Ag 48.07(3) is amended to read:

4 (3) No person ~~shall~~ may transport lungs or lung lobes,  
5 inedible animal fat or other inedible products, unless naturally  
6 inedible by humans, without denaturing unless ~~such~~ the person has  
7 applied for and received from the department a numbered permit ~~for~~  
8 the authorizing shipment of such the products, and transports ~~them~~  
9 the products in conformity with this section. The department  
10 shall grant or deny a permit application within 10 days after the  
11 application is filed with the department, provided that the appli-  
12 cation is accompanied by all requisite information and documenta-  
13 tion. The numbered permit assigned by the department ~~shall be~~ is  
14 a continuing nontransferable permit. ~~and shall remain~~ The permit  
15 remains in effect, unless suspended or revoked by the department,  
16 ~~or until the person assigned such numbered permit holder~~ holder ceases  
17 operations.

18 SECTION 32: Ag 48.11(1) is amended to read:

19 (1) Vehicle permits under s. 95.72(7)(c), Stats., may be  
20 issued for the operation of vehicles which are used by an animal  
21 food processor, renderer, a dead animal collector or their  
22 employes. The licensee or person to whom the vehicle permits are  
23 issued shall be held strictly accountable at all times for the  
24 operation of vehicles. The owner-operator, business partner or  
25 principal officer of a corporation or cooperative shall be respon-  
26 sible for the conduct of business in conformity with the standards  
27 in this chapter. The department shall grant or deny an applica-

1 tion for a vehicle permit within 20 business days after the appli-  
2 cation is filed with the department, provided that the application  
3 is accompanied by all requisite information and documentation.

4 SECTION 33: Ag 48.12 is renumbered Ag 48.12(1).

5 SECTION 34: Ag 48.12(2) is created to read:

6 (2) The department shall grant or deny a request for a per-  
7 mit to operate a vehicle transfer station within 40 business days  
8 after the request is made to the department, provided that the  
9 request is accompanied by all requisite information and  
10 documentation.

11 SECTION 35: Ag 80.04(1) is amended to read:

12 (1) Before the issuance of an original grade A dairy plant  
13 license or farm permit, the department shall inspect the plant or  
14 dairy farm to determine compliance with the requirements of this  
15 chapter. The department shall grant or deny an application for a  
16 grade A dairy plant license or farm permit within 40 business days  
17 after the application is filed with the department, provided that  
18 the application is accompanied by all requisite information and  
19 documentation. After the issuance of a license or permit, each  
20 dairy farm and transfer station shall be inspected at least once  
21 every 6 months. Grade A dairy plants other than transfer stations  
22 shall be inspected at least once every 3 months. If a violation  
23 of any requirement is found to exist on an inspection a second  
24 inspection may be made as necessary, but not before 3 days to  
25 determine compliance. Any violation of the same requirement on  
26 reinspection shall constitute grounds for the immediate suspension  
27 of the license or permit, with right of hearing before the

1 department if requested in writing within 10 days. Hearings, if  
2 requested, shall be conducted as expeditiously as possible.

3 SECTION 36: Ag 86.03 is amended to read:

4 Ag 86.03 PERMITS. The operator of any milk condensing or  
5 milk drying plant desiring to use the "Grade A" label on any con-  
6 densed milk products manufactured by ~~him~~ the plant operator shall  
7 make application for a Grade A permit on a form prescribed by the  
8 department. The department shall grant or deny a permit applica-  
9 tion within 40 business days after the application is filed with  
10 the department, provided that the application is accompanied by  
11 all requisite information and documentation.

12 SECTION 37: Ag 87.03 is amended to read:

13 Ag 87.03 PERMITS. Any person desiring to use the Grade A  
14 label on any cottage cheese manufactured by ~~him~~ that person shall  
15 make application for a Grade A permit on a form prescribed by the  
16 department. The department shall grant or deny a permit applica-  
17 tion within 20 business days after the application is filed with  
18 the department, provided that the application is accompanied by  
19 all requisite information and documentation.

20 SECTION 38: Ag 88.03(2) is amended to read:

21 (2) Permits shall be issued without the payment of any fee  
22 and be valid for a period of 2 years after date of issuance, and  
23 may be renewed for like periods upon expiration thereof and quali-  
24 fication of the applicant. The department shall grant or deny a  
25 permit application within 20 business days after the application  
26 is filed with the department, provided that the application is  
27 accompanied by all requisite information and documentation. Per-

1 mits may be denied, suspended or revoked if the logotype is used  
2 contrary to the requirements of this chapter or the permit holder  
3 uses or aids or abets the use of the logotype on cheese not manu-  
4 factured in this state. Registrants shall at all times keep the  
5 department informed of any changes in plant operations affecting  
6 use of the logotype.

7 SECTION 39: Ag 107.02(1) is amended to read:

8 (1) In addition to the initial examination required for the  
9 issuance of an original milk weighers and samplers license under  
10 s. 98.146, Stats., the applicant may be required to demonstrate  
11 competency to perform the weighing and sampling functions, either  
12 on the department's premises or in a field examination. The  
13 department shall grant or deny a license application within  
14 60 business days after the application is received by the depart-  
15 ment, provided that the application is accompanied by all requi-  
16 site information and documentation. The applicant shall, as a  
17 condition to the first biennial license renewal satisfactorily  
18 pass a second and more comprehensive examination as prepared by  
19 the department.

20 SECTION 40: Ag 120.02(1) is amended to read:

21 (1) No scale service company or other person shall install  
22 or relocate a scale without a written permit from the department.  
23 Application for such permit shall be made in writing on forms  
24 provided by the department. A copy of the construction plan for  
25 installing or relocating a scale shall accompany each application  
26 for a permit, unless a master set of construction plans fully set-  
27 ting forth construction details has been filed with the department

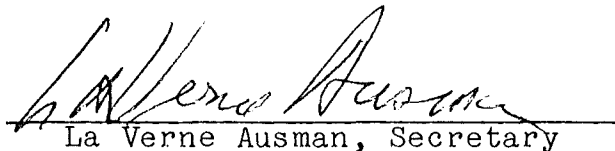
1 and are separately identified by plan numbers. Applications may  
2 describe a construction plan by referring to its plan number if  
3 such plan has been approved by and is on file with the department.  
4 Any deviations from construction plans on the master set shall be  
5 separately described in any application. No permit shall be  
6 issued for plans not meeting the requirements of this chapter,  
7 except as provided under s. Ag 120.04. No scale service company  
8 or other person may deviate from minimum requirements on plans  
9 approved under permit without the express approval of the depart-  
10 ment in writing. The department shall grant or deny a permit  
11 application within 20 business days after the application is filed  
12 with the department, provided that the application is accompanied  
13 by all requisite information and documentation.

14 SECTION 41: The rules contained in this order shall take  
15 effect on the first day of the month following publication in the  
16 Wisconsin administrative register, as provided in  
17 s. 227.026(1) (intro.), Stats.

18 Dated this 24th day of September, 1985.

19 STATE OF WISCONSIN  
20 DEPARTMENT OF AGRICULTURE, TRADE  
21 AND CONSUMER PROTECTION

22 By

  
La Verne Ausman, Secretary

23 JKM/T3/18/SP/D3  
24 9/20/85-12  
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