

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Grain Dealers and Grain Warehouse Keepers;
Milk Contractors; Vegetable Contractors
Adm. Code Reference: ATCP 99; ATCP 100; ATCP 101
DATCP Docket #: 18-R-01

Emergency Rule Summary

This emergency rule does all of the following:

- Creates an automatic reduction in the Fund assessments paid by grain dealers when the grain dealer portion of the Fund exceeds the statutory maximum of \$6 million.
- Reduces assessments paid by milk contractors by 20 percent by using a multiplier.
- Increases vegetable contractors fund assessments to account for the negative balance of that portion of the Fund, by adding an assessment of 0.2% multiplied by contract obligations, net of waiver, with a \$50,000 cap.
- Restores the Fund to meet its statutorily mandated obligations.

Small Business Affected

This emergency rule will have a positive impact on grain dealers by reducing fund assessments under Wis. Admin. Code § ATCP 99.126 (2) and (3) if the grain dealer portion of the producer security fund balance exceeds its statutory maximum.

This emergency rule will have a positive impact on milk contractors by reducing their assessments by 20 percent. The Fund will continue to grow but at a slower pace thus ensuring that they pay a fairer share of the cost of the program.

This emergency rule will increase vegetable contractor fund assessments by 0.2% of their contract obligations to producers. By spreading the increase to achieve the statutory minimum over 18 years, this should have minimal impacts on the vegetable contractors.

Record Keeping Requirements

This emergency rule does not present changes to record keeping requirements for any of the businesses. Revenue collections do not change; the amounts collected will.

Accommodation for Small Business

Many of the businesses affected by this rule are “small businesses.” However, given the subject matter, there are very few accommodations or special exceptions that can be or need to be made for small businesses.

Conclusion

This rule will not have a significant adverse effect on “small business” and is not subject to the delayed “small business” effective date provided in Wis. Stat. § 227.22 (2) (e).

Dated this _____ day of _____, 20____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____

Jeremy McPherson, Interim Administrator
Division of Trade and Consumer Protection