



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Sheila E. Harsdorf, Secretary

DATE: November 7, 2018

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Sheila Harsdorf, Secretary *Keely Moll for*
Paul Dedinsky, Chief Legal Counsel *Paul Dedinsky*

SUBJECT: Minor & Technical Changes to Multiple Department Chapters
Proposed Hearing Draft
Wis. Admin. Code chs. ATCP 20, 21, Appendix A, 40, 42, 65, 71, 72, 73, 76, 78,
79, 90, 91, 92, 94, 99, 105, 118, 163, 164, 165, and 166

TO BE PRESENTED BY: Paul Dedinsky

REQUESTED ACTION:

At the November 15, 2018 DATCP Board meeting, the Department of Agriculture, Trade and Consumer Protection will ask the DATCP Board to approve a final draft (copy attached) for proposed minor and technical amendments to current Wis. Admin. Code chs. 20, 21, Appendix A, 40, 42, 65, 71, 72, 73, 76, 78, 79, 90, 91, 92, 94, 99, 105, 118, 163, 164, 165, 166 related to Seed Labeling and Sale; Pest Inspection and Pest Control; Fertilizer and Related Products; Commercial Feed; Milk and Milk Products; Hotels, Motels and Tourist Rooming Houses; Bed and Breakfast Establishments; Safety, Maintenance, and Operation of Public Pools and Water Attractions; Recreational and Educational Camps; Campgrounds; Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights & Measures; Petroleum and Other Liquid Fuel Products; Grain Dealers and Grain Warehouse Keepers; Sales Below Cost; Car Rental, Customer Notices; Dairy Manufacturing Facility Investment Credit; Meat Processing Facility Investment Credit; Food Processing Plant And Food Warehouse Investment Credit; Woody Biomass Harvesting And Processing Credit. The proposed rule will make technical changes (non-substantive or minor substantive changes) to a number of administrative code chapters administered by the Department.

The Department began to draft the proposed hearing draft of the technical rule after the Governor approved the scope statement in accordance with Wis. Stat. § 227.135(2) for permanent rule changes and the Legislative Reference Bureau published it in the July 17, 2017 issue of the *Wisconsin Administrative Register*. The scope statement was approved by the DATCP Board at the September 21, 2017 DATCP Board meeting.

If the DATCP Board approves this final draft rule, the Department will submit the final draft rule to the Governor for his written approval. If the Governor approves the final rule, the Department will then submit the rule to the Legislature for legislative committee review. If the Legislature has no objection to the rule, the Department Secretary will sign the final rulemaking order and transmit it for publication. The rule will take effect on the first day of the month following publication.

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Wisconsin Department of Agriculture, Trade and Consumer Protection

Regulatory Flexibility Analysis

Rule Subject: Technical Rule
Adm. Code Reference: ATCP 20, 21 Appendix A, 40, 42, 65, 71, 72, 73, 76, 77, 78, 79, 90, 91, 92, 94, 99, 105, 118, 163, 164, 165, 166
Rules Clearinghouse #: 18-109
DATCP Docket #: 17-R-07

Rule Summary

This rule makes minor or technical changes to a number of current Department rules. This rule does all of the following:

Plant Inspection and Pest Control

Adds the state of Maryland to a section specific to the thousand cankers disease of walnut trees infested area. Adds additional county, state, and provincial references in Appendix A, Areas Infested by Hemlock Woolly Adelgid.

Fertilizer and Related Products

Changes the expiration date of a license to a later date, lowers the fee for the agricultural chemical cleanup surcharge, and updates referenced publications to the most recent versions.

Commercial Feed

Updates the referenced publications and technical standards to the most recent versions.

Milk and Milk Products

Corrects references to federal regulations.

Food Warehouses and Milk Distributors

Corrects references to federal regulations.

Bed and Breakfast Establishments

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Safety, Maintenance, and Operation of Public Pools and Water Attractions

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Laboratory Certification

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Recreational and Educational Camps

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Campgrounds

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Petroleum and Other Liquid Fuel Products

- Corrects small grammatical errors.
- Updates the technical references to cite the current NIST Handbook and ASTM fuel standards.
- Amends notes to reference website addresses and form numbers.
- Removes obsolete notes.

Grain Dealers and Grain Warehouse Keepers

Removes the requirement for a notary.

Sales Below Cost

Adds provision allowing for electronic notice.

Car Rentals; Customer Notices

Grammatical corrections.

Small Businesses Affected

This rule will not have any impact on small businesses or other businesses. This rule makes minor or technical changes that will not have an impact on operating costs or operations.

Reporting, Bookkeeping and other Procedures

The proposed rule does not create any reporting, bookkeeping, or other requirement for small businesses.

Professional Skills Required

The proposed rule does not require any new professional skills for small businesses.

Accommodation for Small Business

This rule has no impact upon small businesses, and as a result, no accommodations are needed.

Conclusion

This rule will not have any 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 8 day of November, 2018.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: Paul Dedinsky
Paul Dedinsky, Chief Legal Counsel

**ORDER OF THE WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING RULES**

1 The Wisconsin department of agriculture, trade and consumer protection proposes the
2 following order *to repeal* ATCP 91.03(3) (L), 99.22(2), 163, 164, 165, 166; *to amend* ATCP
3 21.21 (1) (c) 1. and (Note), 21 Appendix A; 40.04 (1), (4) (b) and (c); 40.06 (1), (2) (f) and (5);
4 40.08(8) and (Note), 40.10 (4) (b) 2. and (Note); 40.12 (2) (c) 1. and (Note); 40.16(2) and (Note);
5 40.18 (2) and (Note); 40.20 (1); 40.22 (1), (1) (a), and (4); 40.26 (5) and (Note); 40.28 (2) (g)1.
6 and (Note); 42.06 (3); 42.16 (1) (b) and (2) (b); 42.32 (2) (b); 42.40 (4) (b); 42.44 (6) (a) and (b);
7 42.48 (2) (a) 6.; 42.54 (1) (a); 65.23 (1) (a), (2) (a) and (2) (b); 71.02 (11) (a), (b) and (c); 73.03
8 (1); 73.04; 73.05; 76.04 (4); 78.03 (3); 78.03 (5) (a); 78.03 (11); 78.03 (16); 78.05; 78.06; 78.07
9 (1) (b) 4; 78.07 (2) (b); 78.08; 78.09 (1) (a); 78.07 (1) (b) 4; 78.09 (3); 78.10; 78.18 (6); 79.03
10 (11) and (24); 79.05; 79.06; 79.07 (1) (b) 4; 79.07 (2) (b) 1 and (4) (b); 79.08; 79.09 (1) (a), (1)
11 (e) and (3); 79.13 (2) (b), (3) (a) 2 Note and (3) (d); 90.01 (15g) and (Note) and (15r) and
12 (Note); 90.03 (1) (b); 90.04 (7) (Note); 91.01 (4) and (Note) ; 92.01 (10h) and (Note), (10p) and
13 (Note), and (10t) and (Note); 92.30 (9) and (Note); 94.200 (1); 118.02 (2) (b); 118.12; and *to*
14 *create* 105.23 (2) (bm), *relating to* various minor and technical rule changes.

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

This rule makes minor and technical changes to a number of current rules administered by the Department of Agriculture, Trade and Consumer Protection (“Department” or “DATCP”).

Statutes Interpreted

Statutes Interpreted: Wis. Stat. chs. 93, 94, 97, 98, 126, and 168.

Statutory Authority

Statutory Authority:

- Wis. Stat. § 93.12 (7) Fees,
- Wis. Stat. § 94.64(9) Fertilizer,
- Wis. Stat. § 94.72(13) Commercial Feed,
- Wis. Stat. § 97.20(4) Dairy Plants,
- Wis. Stat. § 97.27(5) Food Warehouses,
- Wis. Stat. § 97.625(1) Local Health Departments,
- Wis. Stat. § 97.67(1) and (2m) Recreational Licenses and Fees,
- Wis. Stat. § 97.09 Food, Lodging and Recreation,
- Wis. Stat. § 98.03(2) Weights and Measures,
- Wis. Stat. § 126.81 Agricultural Producer Security,
- Wis. Stat. § 168.16 Petroleum Products and Dangerous Substances,
- Wis. Stat. § 93.07 (1) and (24).

Explanation of Statutory Authority

The Department has general authority, under Wis. Stat. § 93.07(1), to adopt rules to interpret laws under its jurisdiction. It also has specific rule-making authority under Wis. Stat. § 93.07(12) to make, modify, and enforce reasonable rules needed to prevent the dissemination of pests and to declare and manage emergencies relating to the detection and control of pests injurious to plants. The Department has specific authority under Wis. Stat. § 94.72(13) to proscribe and enforce administrative rules and regulations relating to commercial feed. The Department has specific authority under Wis. Stat. § 97.67 to regulate campgrounds and camping resorts, recreational and educational camps, and public swimming pools. The Department has specific authority under Wis. Stat. § 168.16 to promulgate reasonable rules relating to the administration and enforcement of petroleum products. This rule makes minor and technical changes to a number of different rules administered by the Department. The changes are adopted under the same authority used to adopt the original rules.

Related Rules or Statutes

This rule is not substantially affected by statutes or rules other than those identified in this rule.

Plain Language Analysis

This rule makes minor or technical changes to a number of current Department rules, namely

Plant Inspection and Pest Control

The rule adds the state of Maryland to the section specific to the thousand cankers disease of walnut trees infested area. Adds additional county, state, and provincial references in Appendix A, Areas Infested by Hemlock Woolly Adelgid.

Fertilizer and Related Products

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Laboratory Certification

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Recreational and Educational Camps

Replaces a specific term to make the language of the rule consistent with the Department's use of the terms "permit" and "license." This rule was previously under the Department of Health Services (DHS).

Campgrounds

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Petroleum and Other Liquid Fuel Products

- Corrects small grammatical errors.

- Updates the technical references so as to cite the current NIST Handbook and ASTM fuel standards.
- Amends notes to reference website addresses and form numbers.
- Removes obsolete notes.

Sales Below Cost

Adds a provision allowing for electronic notice.

Car Rentals; Customer Notices

Grammatical corrections.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

The technical rule changes proposed in this rule will not create any disparities between Wisconsin rules and federal statutes and regulations.

Comparison with Rules in Adjacent States

The technical rule changes proposed in this rule will not create any disparities between Wisconsin and any adjacent states.

Summary of Factual Data and Analytical Methodologies

This rule does not depend on any complex analysis of data. This rule merely makes minor or technical changes to current rules.

Analysis and Supporting Documents Used to Determine Effect on Small Business

Because this rule makes minor technical changes, no significant analysis or documentation was required to determine that the proposed rule will have no impact on small businesses.

Effect on Business Impact

This rule will not have any impact on small businesses or other businesses. This rule makes minor technical changes that will not have an impact on business standards, costs, or operations. See the *Initial Regulatory Flexibility Analysis* that accompanies this rule.

Environmental Impact

Since this rule only makes minor or technical changes, this rule will have no significant impact on the environment.

Agency Contact

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Madison, WI 53718
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Paul.Dedinsky@Wisconsin.gov

15 **SECTION 1.** ATCP 21.21 (1) (c) 1. and (Note) are amended to read:

16 ATCP 21.21 (1) (c) 1. The states of Arizona, California, Colorado, Idaho, Maryland,
17 Nevada, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Virginia,
18 and Washington.

19 **Note:** Information on areas with confirmed populations by the USDA can be found at:

20 <http://www.thousandcankerdisease.com/> <http://thousandcankers.com>.

21 **SECTION 2.** ATCP 21 Appendix A is amended to read:

22 **Chapter ATCP 21**

23 **APPENDIX A**

24 **AREAS INFESTED BY HEMLOCK WOOLLY ADELGID**

25 **Entire States (entire state) and Provinces**

- 26 • Alaska
- 27 • California
- 28 • Connecticut
- 29 • Delaware
- 30 • Maryland
- 31 • Massachusetts
- 32 • New Jersey
- 33 • Oregon
- 34 • Rhode Island

35 • Washington

36 • District of Columbia

37 • British Columbia

38 Counties

39 • In the state of Georgia, the counties of Banks, Dade, Dawson, Fannin, Gilmer, Gordon,
40 Habersham, Hall, Lumpkin, Murray, Pickens, Rabun, Stephens, Towns, Union, Walker, White.

41 • In the state of Kentucky, the counties of Bell, Breathitt, Carter, Clay, Elliott, Fayette, Floyd,
42 Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Martin,
43 Madison, Magoffin, Marin, McCreary, Menifee, Morgan, Owsley, Perry, Pike, Powell, Pulaski,
44 Rockcastle, Rowan, Wayne, Whitley, Wolfe.

45 • In the state of Maine, the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln,
46 Sagadahoc, York.

47 • In the state of Michigan, the counties of Allegan, Muskegon, Oceana, Ottawa.

48 • In the state of New Hampshire, the counties of Belknap, Carroll, Cheshire, Hillsborough,
49 Merrimack, Rockingham, Strafford, Sullivan.

50 • In the state of New York, the counties of Albany, Bronx, Broome, Cattaraugus, Cayuga, Chemung,
51 Chenango, Columbia, Delaware, Dutchess, Greene, Kings, Livingstone, Monroe, Nassau, New
52 York, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland,
53 Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster,
54 Westchester, Wyoming, Yates.

55 • In the state of North Carolina, the counties of Alamance, Alexander, Alleghany, Ashe, Avery,
56 Buncombe, Burke, Caldwell, Caswell, Catawba, Cherokee, Clay, Durham, Forsyth, Graham,
57 Haywood, Henderson, Iredell, Jackson, Macon, Madison, McDowell, Mitchell, Orange, Polk,
58 Rockingham, Rutherford, Stokes, Surry, Swain, Transylvania, Wake, Watauga, Wilkes, Yancey.

59 • In the state of Ohio, the counties of Athens, Geauga, Gallia, Hocking, Jackson, Lake, Lawrence,
60 Meigs, Monroe, Vinton, and Washington.

61 • In the state of Pennsylvania, the counties of Adams, Allegheny, Armstrong, Beaver, Bedford,
62 Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clarion, Clearfield,
63 Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Fayette, Forest, Franklin, Fulton,
64 Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne,
65 Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland,
66 Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga,
67 Union, Warren, Wayne, Westmoreland, Wyoming, York.

68 • In the state of South Carolina, the counties of Greenville, Oconee, Pickens, Spartanburg.

69 • In the state of Tennessee, the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter,
70 Claiborne, Cocke, Cumberland, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen,
71 Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs,
72 Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier,
73 Sullivan, Unicoi, Union, Van Buren, Warren, Washington, White.

74 • In the state of Vermont, the counties of Bennington, ~~and~~ Windham, Windsor.

75 • In the state of Virginia, the counties of Albemarle, Alexandria, Alleghany, Amherst, Appomattox,
76 Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Bristol, Buchanan, Buckingham, Buena
77 Vista, Campbell, Caroline, Carroll, Charlottesville, Chesterfield, Clarke, Craig, Culpeper,
78 Danville, Dickenson, Essex, Fairfax, Falls Church, Fauquier, Floyd, Fluvanna, Franklin,
79 Frederick, Galax, Giles, Grayson, Greene, Halifax, Hanover, Harrisonburg, Henrico, Henry,
80 Highland, King William, Lee, Lexington, Loudon, Lunenburg, Lynchburg, Madison, Manassas,
81 Manassas Park, Martinsville, Montgomery, Nelson, Northumberland, Norton, Orange, Page,
82 Patrick, Pittsylvania, Prince William, Pulaski, Radford, Rappahannock, Richmond, Roanoke,
83 Rockbridge, Rockingham, Russell, Salem, Scott, Shenandoah, Smyth, Spotsylvania, Staunton,
84 Tazewell, Warren, Washington, Waynesboro, Winchester, Wise, Wythe.

85 • In the state of West Virginia, the counties of Barbour, Berkeley, Boone, Braxton, Cabell, Clay,
86 Fayette, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jefferson, Kanawha, Lewis, Lincoln,
87 Logan, Marion, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan,
88 Nicholas, Ohio, Pendleton, Pocahontas, Pleasants, Preston, Raleigh, Randolph, Roane, Summers,
89 Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wirt, Wood, Wyoming.

90 **SECTION 3.** ATCP 40.04(1) and (4)(b) and (c) are amended to read:

91 ATCP 40.04(1). ANNUAL LICENSE REQUIRED. Except as provided in sub. (2), no person
92 may manufacture or distribute a fertilizer in this state without an annual license from the
93 department. A separate license is required for each business location or mobile unit at which a
94 person manufactures fertilizer in this state. A license is not transferable between persons or
95 locations. A license expires on ~~August 14~~ September 30 of each year.

96 (4)(b) Except as adjusted under 94.73(15), a \$11-20 agricultural chemical cleanup
97 surcharge for each business location and each mobile unit at which the applicant proposes to
98 manufacture fertilizer in this state, other than a business location or mobile unit licensed under s.
99 94.685 or s. 94.703, Stats. If the applicant distributes but does not manufacture fertilizer in this
100 state, the applicant shall pay a single agricultural chemical cleanup surcharge of \$11-20.

101 (c) A late renewal fee equal to 20% of the combined license fees and surcharges required
102 under pars. (a) and (b), ~~whichever is greater~~, if the applicant fails to apply for a renewal license
103 before the prior year's license expires.

104 SECTION 4. ATCP 40.06(1), (2)(f), and (5) are amended to read:

105 ATCP 40.06 (1) ANNUAL TONNAGE REPORT AND FEE PAYMENT. By ~~August 14~~ September
106 30 of each year, a person required to hold a fertilizer license under s. ATCP 40.04 shall do all of
107 the following:

108 (2)(f) An agricultural chemical cleanup surcharge of 44 11 cents per ton, or the adjusted
109 amount under s. 94.73(15).

110 (5) PENALTIES FOR LATE FILING. A person who fails to comply with sub. (1) by ~~August 14~~
111 September 30 shall pay an additional fee of 10 percent of the tonnage fees due, but not less than
112 \$10.

113 SECTION 5. ATCP 40.08 (8) and (Note) are amended to read:

114 ATCP 40.08 (8) TERMS AND DEFINITIONS. Terms used in fertilizer labeling shall be
115 consistent with the fertilizer terms and definitions contained in the *Official Publication of the*
116 *Association of American Plant Food Control Officials, No. 68 71 (20152018)*.

117 **Note:** The *Official Publication of the Association of American Plant Food Control*
118 *Officials, No. 68 71 (20152018)* is on file with the department and the legislative
119 reference bureau. Copies may be obtained from the treasurer of the Association of
120 American Plant Food Control Officials, Inc., North Carolina Department of
121 Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at
122 <http://www.aapfco.org>.

123
124 SECTION 6. ATCP 40.10 (4) (b) 2. and (Note) are amended to read:

125 ATCP 40.10 (4) (b) 2. Identify the source of each plant nutrient, using only terms defined
126 in the *Official Publication of the Association of American Plant Food Control Officials, No. 68*
127 *71 (20152018)*.

128 **Note:** The *Official Publication of the Association of American Plant Food Control*
129 *Officials, No. 68 71 (20152018)* is on file with the department and the legislative
130 reference bureau. Copies may be obtained from the treasurer of the Association of
131 American Plant Food Control Officials, Inc., North Carolina Department of
132 Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at
133 <http://www.aapfco.org>.

134 **SECTION 7.** ATCP 40.12 (2) (c) 1. and (Note) are amended to read:

135 ATCP 40.10 (2) (c) 1. The source material is accurately described by a term defined in
136 the *Official Publication of the Association of American Plant Food Control Officials, No. 68 71*
137 *(20152018)*.

138 **Note:** The *Official Publication of the Association of American Plant Food Control*
139 *Officials, No. 68 71 (20152018)* is on file with the department and the legislative
140 reference bureau. Copies may be obtained from the treasurer of the Association of
141 American Plant Food Control Officials, Inc., North Carolina Department of
142 Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at
143 <http://www.aapfco.org>.

144 **SECTION 8.** ATCP 40.16 (2) and (Note) are amended to read:

145 ATCP 40.16 (2) TEST METHODS. The department may test official fertilizer samples to
146 determine compliance with nutrient guarantees. The department shall test official samples using
147 applicable methods from the "Official Methods of Analysis of AOAC International," volume I,
148 ~~17~~ 20th edition as updated by the 2nd revision (2003 2016).

150 **Note:** The "Official Methods of Analysis of AOAC International," volume I, ~~17~~ 20th
151 edition as updated by the 2nd revision (2003 2016) is on file with the department
152 and the legislative reference bureau. Copies are available from AOAC
153 International at 481 N. Frederick Ave., Suite 500, Gaithersburg, MD 20877-2417.

154 **SECTION 9.** ATCP 40.18 (2) and (Note) are amended to read:

155 ATCP 40.18 (2) No fertilizer may contain a metal in a concentration that exceeds the
156 maximum allowable concentration specified for that metal in the *Official Publication of the*
157 *Association of American Plant Food Control Officials, No. 68 71 (2018)*, statement of uniform
158 interpretation and policy number 25, (2015).

159 **Note:** ~~Statement of uniform interpretation and policy number 25, from the~~ *The Official*
160 *Publication of the Association of American Plant Food Control Officials, No. 68*
161 *71 (20152018), which contains the statement of uniform interpretation and policy*
162 *number 25,* is on file with the department and the legislative reference bureau.
163 Copies may be obtained from the treasurer of the Association of American Plant
164 Food Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box
165 33508, Raleigh, NC 33636-3508, or online at <http://www.aapfco.org>.

166 **SECTION 10.** ATCP 40.20 (1) is amended to read:

167 ATCP 40.20 (1) ANNUAL LICENSE REQUIRED. Except as provided in sub. (2), no person
168 may manufacture or distribute a soil or plant additive in this state without an annual license from
169 the department. A license is not transferable between persons. A license expires on ~~March 31~~
170 September 30 of each year.

171 **SECTION 11.** ATCP 40.22 (1), (1)(a), and (4) are amended to read:

172 ATCP 40.22 (1) ANNUAL TONNAGE REPORT AND FEE PAYMENT. By ~~March 31~~ September
173 30 of each year, a person required to hold a license under s. ATCP 40.20 shall do all of the
174 following:

175 (a) Report to the department the number of tons of each soil or plant additive the person
176 distributed in this state ~~in the preceding calendar year~~ from July 1 to June 30 of the preceding
177 year. The person shall file the report in writing, on a form provided by the department.

178 (4) PENALTIES FOR LATE FILING. A person who fails to comply with sub. (1) by ~~March 31~~
179 September 30 shall pay an additional fee of 10 percent of the tonnage fees due, but not less than
180 \$10.

181 **SECTION 12.** ATCP 40.26 (5) and (Note) are amended to read:

182 ATCP 40.26 (5) INGREDIENT IDENTIFICATION. Except as provided in sub. (3) (b), the
183 guaranteed analysis shall identify each ingredient by its common name, if any, followed in
184 parentheses by its chemical name as stated in the Merck Index, ~~12th~~ 15th edition (~~1996~~ 2013). If

185 an ingredient is not sufficiently defined in the Merck Index, the department may approve an
186 additional or alternative name for the ingredient.

187 **Note:** The Merck Index, ~~12th~~ 15th edition (~~1996~~2013) is on file with the department and
188 the legislative reference bureau.

189 **SECTION 13.** ATCP 40.28 (2)(g)1. and (Note) are amended to read:

190 ATCP 40.28 (2)(g)1. A method contained in the "Official Methods of Analysis of AOAC
191 International", ~~volume I, 17th~~ 20th edition, ~~as updated by the 2nd revision (2003~~16).

192 **Note:** The "Official Methods of Analysis of AOAC International", "~~volume I, 17th~~ 20th
193 ~~edition, as updated by the 2nd revision (2003~~2016) is on file with the department
194 and the legislative reference bureau.

195 **SECTION 14.** ATCP 42.06 (3) is amended to read:

196 ATCP 42.06 (3) SINGLE-INGREDIENT FEEDS. Product names for single-ingredient
197 commercial feeds shall be consistent with the feed ingredient definitions specified in the ~~2015~~
198 2018 *Official Publication of the Association of American Feed Control Officials.*

199 **SECTION 15.** ATCP 42.16 (1) (b) and (2) (b) are amended to read:

200 ATCP 42.16 (1) (b) Paragraph (a) does not apply to a commercial feed which is defined
201 as a single ingredient feed product by the ~~2015~~ 2018 *Official Publication of the Association of*
202 *American Feed Control Officials.*

203 (2) (b) The official name of that ingredient as stated in the ~~2015~~ 2018 *Official Publication*
204 *of the Association of American Feed Control Officials.*

205 **SECTION 16.** ATCP 42.32 (2) (b) is amended to read:

206 ATCP 42.32 (2) (b) The official name of that ingredient as stated in the ~~2015~~ 2018
207 *Official Publication of the Association of American Feed Control Officials.*

208 **SECTION 17.** ATCP 42.40 (4) (b) is amended to read:

209 ATCP 42.40 (4) (b) By a testing procedure published in the ~~2015~~ 2018 *Official*
210 *Publication of the Association of American Feed Control Officials.*

211 **SECTION 18.** ATCP 42.44 (6) (a) and (b) are amended to read:

212 ATCP 42.44 (6) (a) The dog or cat food, when fed in recommended amounts, meets all
213 nutrient requirements established in applicable pet nutrient profiles specified in the ~~2015~~ 2018
214 *Official Publication of the Association of American Feed Control Officials.*

215 (b) The dog or cat food is adequate as a sole source of nourishment for dogs or cats when
216 fed according to label directions and according to feeding protocols for dogs and cats specified in
217 the ~~2015~~ 2018 *Official Publication of the Association of American Feed Control Officials.*

218 **SECTION 19.** ATCP 42.48 (2)(a)6. is amended to read:

219 ATCP 42.48 (2)(a)6. *Nutrient Requirements of Beef Cattle* (~~7th~~ 8th revised edition, 1996,
220 ~~update 2000~~ 2016).

221 **SECTION 20.** ATCP 42.54 (1) (a) is amended to read:

222 ATCP 42.54 (1) (a) The non-protein nitrogen ingredients are identified in the ~~2015~~ 2018
223 *Official Publication of the Association of American Feed Control Officials.*

224 **SECTION 21.** ATCP 65.23(1)(a), (2)(a), (2)(b) are amended to read:

225 ATCP 65.23(1)(a) A grade A dairy plant that is a qualified facility shall comply with the
226 requirements of 21 CFR 117 Subparts A, B and E, and 21 CFR 117.201.

227 (2)(a) A grade B dairy plant that is a qualified facility shall comply with the requirements
228 of 21 CFR Subparts A, B, E and F, and 21 CFR 117.201.

229 (2)(b) A grade B dairy plant that is a facility shall comply with the requirements of 21
230 CFR Subparts A, B, C, F, and G.

231 **SECTION 22.** ATCP 71.02 (11) (a), (b) and (c) are amended to read:

232 ATCP 71.02 (11) (a) A food warehouse which is also a qualified facility shall comply
233 with the requirements of this chapter and 21 CFR 117 Subparts A, B, E, and F, and 21 CFR
234 117.5(a).

235 (b) A food warehouse that is a facility, but is not a qualified facility, and only stores
236 unexposed packaged potentially hazardous food shall comply with the requirements of this
237 chapter, and 21 CFR ~~117.7~~ 117 Subparts A, B, E, and F and 117.206.

238 (c) A food warehouse that is a facility, but is not a qualified facility, and stores exposed
239 food shall comply with the requirements of this chapter and 21 CFR 117, Subparts A, B, C, E,
240 and G.

241 **SECTION 23.** ATCP 73.03 (1) is amended to read

242 ATCP 73.03 (1) "Agent" means the city or county designated by the department to issue
243 ~~permits~~ licenses to and make investigations or inspections of bed and breakfast establishments.

244 **SECTION 24.** ATCP 73.04 is amended to read

245 ATCP 73.04 Permits Licenses.

246 (1) Permit License required.

247 (a) No bed and breakfast establishment may be opened to the public until the operator of
248 the bed and breakfast establishment has obtained a permit license from the department or its
249 agent by submitting an application under sub. (4) and paying the applicable fee specified in s.
250 ATCP 73.05. A separate permit license is required for each bed and breakfast establishment.

251 (b) A new initial permit license is required if a permit license holder sells or otherwise
252 transfers ownership or operation of a bed and breakfast establishment to another person, except
253 as provided in sub. (3).

254 (2) ~~Permit License~~ Permit License duration and renewal.

255 (a) Each permit license issued under this chapter expires on June 30, except that a permit
256 license initially issued during the period beginning on April 1 and ending on June 30 expires on
257 June 30 of the following year.

258 (b) Each permit license shall be renewed annually as provided in sub. (4) (b).

259 (3) Transferability of permits licenses. An individual may transfer a permit license to an
260 immediate family member, as defined in s. 97.605 (4) (a) 2., Stats., if the individual is
261 transferring operation of the bed and breakfast establishment. A sole proprietorship that
262 reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that
263 reorganizes as a sole proprietorship or a different type of business entity may transfer a permit
264 license to the newly formed business entity or sole proprietorship if the bed and breakfast
265 establishment remains at the location for which the permit license was issued and at least one
266 individual who had an ownership interest in the sole proprietorship or business entity to which
267 the permit license was issued has an ownership interest in the newly formed sole proprietorship
268 or business entity. Except as provided in this subsection, no permit license issued under this
269 chapter is transferable from one premise to another or from one person or entity to another.

270 Note: Under s. 97.605 (4) (a) 2., Stats., "Immediate family member" means a spouse,
271 grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a
272 grandparent, parent, sibling, child, stepchild, or grandchild. Under ss. 97.605 (4)
273 (a) 1. and 179.70 (1), Stats., a "business entity" means: a corporation, as defined
274 in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102
275 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5),
276 Stats., a foreign limited liability company, as defined in s. 183.0102 (8), Stats., a
277 foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9),
278 Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

279 (4) ~~Permit License~~ application.

280 (a) Initial permit license. Application for an initial or new permit license shall be made on
281 an application form furnished by the department or its agent and shall be accompanied by all of
282 the following:

283 1. The applicable fees specified under s. ATCP 73.05 and any fees previously due to the
284 department or its agent.

285 2. Documentation that the department of safety and professional services has approved
286 plans and specifications for the bed and breakfast, if required.

287 3. Information, as determined by the department or its agent, indicating that the bed and
288 breakfast establishment will be maintained and operated in compliance with applicable federal
289 and state laws and that rules have been implemented for the operation of the bed and breakfast
290 establishment that will protect the health, safety, and welfare of the public.

291 Note: To obtain a copy of the a bed and breakfast establishment operator license
292 application form, or to determine which agent to contact for an application form,
293 call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

294 (b) Renewal permit license. To renew the permit license of the bed and breakfast
295 establishment, the operator shall pay the department, the applicable establishment permit license
296 fee specified under s. ATCP 73.05 before the permit license expires. If the payment to renew the
297 permit license of a bread and breakfast establishment is not made to the department before the
298 expiration date of the establishment permit license, the late fee specified under s. ATCP 73.05
299 shall be paid in addition to the permit license fee.

300 Note: Local health departments that are agents for the department have authority under
301 s. 97.615 (2) (d), Stats., to establish and collect fees for permit license issued by
302 the local health department. If your establishment was permitted by a local health
303 department, contact the local health department for its permit license fee schedule.

304 (5) DEPARTMENT ACTION ON PERMIT LICENSE APPLICATION.

305 (a) The department or its agent shall issue or deny a permit license within 30 days after
306 receiving a complete application, all applicable fees, and the other information required under
307 sub. (4).

308 (b) Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued
309 validity of a permit license issued under this subsection may be conditioned upon the
310 requirement that the permit license holder correct a violation of this chapter, ss. 97.603 to 97.65,
311 Stats., or ordinances adopted under s. 97.615 (2)(g), Stats., within a period of time specified. If
312 the condition is not met within the specified time or after an extension of time as approved by the
313 department, the permit is void. No person may operate a bed and breakfast establishment after a
314 permit license has been voided under this paragraph, and any person who does so shall be subject
315 to the penalties under ss. 97.72 and 97.73, Stats. An owner whose permit is voided under this
316 paragraph may appeal the decision under s. ATCP 73.08.

317 (c) The department or its agent may refuse to issue or renew a permit license to operate a
318 bed and breakfast establishment under any of the following circumstances:

319 1. The department or its agent has not conducted a preinspection of the bed and breakfast
320 establishment for which an initial or new permit license is required under sub. (1).

321 2. The owner of a bed and breakfast establishment has not corrected a condition for
322 which the department or agent has issued a written health or safety-related order.

323 3. All applicable fees under s. ATCP 73.05 have not been paid, including the permit
324 license fee, preinspection fee, reinspection fee, or other applicable fees.

325 4. The owner has modified, repaired or maintained the bed and breakfast establishment
326 in a manner that is not in accordance with what the department recognizes as safe practice as
327 outlined in this chapter.

328 5. The owner, applicant, or permit license holder has failed to provide the department or
329 its agent with information required under sub. (4).

330 6. The owner or applicant has violated ch. 97, Stats., this chapter, or any order,
331 ordinance, or regulation created by a village, city, county, or local board of health having
332 jurisdiction, provided such violation is related to the operation of the bed and breakfast
333 establishment.

334 (d) If the department or its agent denies an application for a permit license, the applicant
335 shall be given reasons, in writing, for the denial and information regarding appeal rights under s.
336 ATCP 73.08.

337 (6) Voided permit license for failure to pay fees. If an applicant or owner fails to pay all
338 applicable fees, late fees and processing charges under s. ATCP 73.05 within 15 days after the
339 applicant or owner receives notice of an insufficiency under s. ATCP 73.05, or within 45 days
340 after the expiration of the permit license, whichever occurs first, the permit license is void. An
341 owner whose permit license is voided under this subsection may appeal the decision under s.
342 ATCP 73.08. In an appeal concerning a voided permit license under this subsection, the burden
343 is on the permit applicant or owner to show that the entire applicable fees, late fees and
344 processing charges have been paid. During any appeal process concerning a payment dispute,
345 operation of the bed and breakfast establishment is deemed to be operation without a permit
346 license and is subject to the fees under s. ATCP 73.05 (2) in addition to the fees otherwise due,
347 unless the applicant or owner meets its burden of proof under this subsection.

348 (7) Permit posting. A current permit license issued by the department shall be posted in
349 a place visible to the public. A may not be altered or defaced.

350 History: Cr. Register, June, 1985, No. 354, eff. 7-1-85; emerg. am. (1), cr. (1m), eff. 7-
351 1-94; am. (1), cr. (1m), Register, January, 1995, No. 469; emerg. am. (1m), eff. 7-

352 1-96; am. (1m), Register, January, 1997, No. 493, eff. 2-1-97; am. (1m), cr. (1m)
353 (e), Register, August, 1998, No. 512, eff. 9-1-98; CR 01-016: am. (1m) (a) and (d)
354 and r. (1m) (e) Register May 2002 No. 557, eff. 6-1-02; CR 08-073: renum. from
355 HFS 197.04, r. and recr. Register January 2009 No. 637, eff. 2-1-09; correction in
356 (4) (a) 2. made under s. 13.92 (4) (b) 6., Stats., Register January 2012 No. 673;
357 renum. from DHS 197.04 Register June 2016 No. 726; correction in (1) (a), (3),
358 (4) (a) 1., (b), (5) (b), (c) 3., 6., (d), (6) made under s. 13.92 (4) (b) 7., Stats.,
359 Register June 2016 No. 726.

360 **SECTION 25.** ATCP 73.05 is amended to read

361 ATCP 73.05 Department fees.

362 (1) Fee schedules. The fees listed in Table ATCP 73.05 A shall apply to ~~permits~~

363 licenses issued from April 1, 2009 through March 31, 2011. The fees listed in Table ATCP 73.05

364 B shall apply to ~~permits~~ licenses issued on or after April 1, 2011.

365 Note: Local health departments that are agents for the department have authority under
366 s. 97.615 (2) (d), Stats., to establish and collect fees for ~~permits~~ licenses issued by the local
367 health department. If your establishment was ~~permitted~~ licensed by a local health department,
368 contact the local health department for its ~~permit~~ license fee schedule.

369 (2) Types of fees.

370 (a) Preinspection fee. The owner of a bed and breakfast establishment shall, pursuant to

371 sub. (1), pay the applicable preinspection fee listed in Table ATCP 73.05 A or B to the

372 department before an initial or new ~~permit~~ license is issued under s. ATCP 73.04.

373 (b) Permit License fee. The owner of a bed and breakfast establishment shall, pursuant to

374 sub. (1), pay the applicable ~~permit~~ license fee listed in Table ATCP 73.05 A or B to the

375 department for each bed and breakfast establishment that the operator applies for a ~~permit~~ license

376 to operate under s. ATCP 73.04 (1) or (2).

377 (c) Late fee. If the ~~permit~~ license fee for a ~~permit~~ license renewal is not paid before the

378 expiration date of the permit, the owner of the bed and breakfast establishment shall pay to the

379 department a late fee of \$85.00 in addition to the renewal permit fee.

380 (d) Reinspection fee. If the department conducts a reinspection of a bed and breakfast
381 establishment under s. ATCP 73.06 (1) (b) 1. and 2., the owner shall, pursuant to s. sub. (1), pay
382 to the department the applicable reinspection fee listed in Table ATCP 73.05 A or B. The
383 department shall assess an additional fee as specified in Table ATCP 73.05 A or B, whichever is
384 applicable, for any additional reinspection conducted under s. ATCP 73.06 (1) (b) 4.

385 (e) Fees for operating without a permit license. Any bed and breakfast establishment
386 found to be operating without a permit shall pay to the department an amount of \$749.00, in
387 addition to all applicable fees and any processing charges under s. ATCP 73.04 (6).

388 Note: Anyone operating a bed and breakfast establishment without a permit license is
389 also subject to a fine of not less than \$100 nor more than \$1,000 under s. 97.72, Stats.

390 (f) Duplicate permit license. The department shall charge the operator of a bed and
391 breakfast establishment \$15 for a duplicate permit license.

392 (g) Fees for special condition inspections. For inspection or consultation activities that
393 are not directly related to the department's ~~permitting~~ and licensing responsibilities, the
394 departments shall charge the operator or the entity requesting the inspection or consultation
395 \$175.00.

396 (3) Method of payment. If the payment for an initial or renewal permit license is by
397 check or other draft drawn upon an account containing insufficient funds, the applicant or owner
398 shall, within 15 days after receipt of notice from the department of the insufficiency, pay all
399 applicable fees under sub. (1) and the financial institution's processing charges by cashier's check
400 or other certified draft, money order, or cash. - See PDF for table PDF - See PDF for table PDF

401 History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS
402 197.05 Register June 2016 No. 726; correction in (1), (2) (a), (b), (d), (e) Tables
403 A, B made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

404 **SECTION 26.** ATCP 76.04 (4) is amended to read

405 ATCP 76.04 (4) “Agent” means the city, county or village designated by the department
406 under s. 97.615 (2), Stats., and ch. ATCP 74 to issue ~~permits~~ licenses to and make investigations
407 or inspections of public pools and water attractions.

408 **SECTION 27.** ATCP 78.03 (3) is amended to read:

409 ATCP 73.03 (1) “Agent” means the city, county or village designated by the department
410 under s. 97.615 (2), Stats., to issue ~~permits~~ licenses to and make investigations or inspections of
411 recreational and educational camps.

412 **SECTION 28.** ATCP 78.03 (5) (a) is amended to read:

413 ATCP 78.03 (5) (a) An overnight planned program of recreation or education for adults
414 or families at an establishment holding a current hotel or motel or restaurant ~~permit~~ license.

415 **SECTION 29.** ATCP 78.03 (11) is amended to read:

416 ATCP 78.03 (11) “Existing camp” means operating with a ~~permit~~ license first issued by
417 the department or an agent before February 1, 2001.

418 **SECTION 30.** ATCP 78.03 (16) is amended to read:

419 “New camp” means operating with a first issued by the department or an agent on or after
420 February 1, 2001.

421 **SECTION 31.** ATCP 78.05 is amended to read:

422 ATCP 78.05 ~~Permits~~ Licenses.

423 (1) ~~Permit~~ License required.

424 (a) No camp may be opened to the public until the operator of the camp has obtained a
425 ~~permit~~ license from the department or its agent by submitting an application under sub. (4) and

426 paying the applicable fee specified under s. ATCP 78.06. A separate ~~permit~~ license is required
427 for each camp.

428 Note: Local health departments that are agents for the department have authority under
429 s. 97.615 (2) (d), Stats., to establish and collect fees for ~~permits~~ licenses issued by
430 the local health department. If your establishment was permitted by a local health
431 department, contact the local health department for its ~~permit~~ license fee schedule.

432 (b) If a ~~permit~~ license holder sells or otherwise transfers ownership or operation of a
433 camp to another person, except as provided in sub. (3), a new initial ~~permit~~ license is required,
434 and the camp may not be opened to the public until the department has issued a new ~~permit~~
435 license.

436 (2) ~~Permit~~ License duration and renewal.

437 (a) Each ~~permit~~ license issued under this chapter expires on June 30, except that a ~~permit~~
438 license initially issued during the period beginning on April 1 and ending on June 30 expires on
439 June 30 of the following year.

440 (b) Each ~~permit~~ license shall be renewed annually as provided in sub. (4) (b).

441 (3) Transferability of ~~permits~~ licenses.

442 (a) An individual may transfer a ~~permit~~ license to an immediate family member, as
443 defined in s. 97.605 (4) (a) 2, Stats., if the individual is transferring operation of the camp.

444 (b) An individual may transfer a ~~permit~~ license to an immediate family member, as
445 defined in s. 97.605 (4) (a) 2., Stats., if the individual is transferring operation of the camp A sole
446 proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a
447 business entity that reorganizes as a sole proprietorship or a different type of business entity may
448 transfer a permit to the newly formed business entity or sole proprietorship if the hotel, motel or
449 tourist rooming house remains at the location for which the ~~permit~~ license was issued and
450 at least one individual who had an ownership interest in the sole proprietorship or business entity

451 to which the permit was issued has an ownership interest in the newly formed sole proprietorship
452 or business entity. Except as provided in this subsection, no permit license issued under this
453 chapter is transferable from one premise to another or from one person or entity to another.

454 Note: Under s. 97.605 (4) (a) 2., Stats., "Immediate family member" means a spouse,
455 grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a
456 grandparent, parent, sibling, child, stepchild, or grandchild. Under s. 97.605 (4)
457 (a) 1. and s. 179.70 (1), Stats., a "business entity" means: a corporation, as defined
458 in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102
459 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5),
460 Stats., a foreign limited liability company, as defined in s. 183.0102 (8), Stats., a
461 foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9),
462 Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

463 (c) Except as provided in this subsection, no permit license issued under this chapter is
464 transferable from one premise to another or from one person or entity to another.

465 (4) ~~Permit License~~ application.

466 (a) Initial permit license. Application for an initial or new permit license shall be made
467 on an application form furnished by the department or its agent and shall be accompanied by all
468 of the following:

469 1. The applicable fees specified under s. ATCP 78.06 and any fees previously due to the
470 department or its agent.

471 2. Documentation that the department of safety and professional services has approved
472 plans and specifications for the camp, if required.

473 3. Information, as determined by the department or its agent, indicating that the camp
474 will be maintained and operated in compliance with applicable federal and state laws and that
475 rules have been implemented for the operation of the camp that will protect the health, safety,
476 and welfare of the public.

477 Note: To obtain a copy of the camp operator license application form, or to determine
478 which agent to contact for an application form, call (608) 224-4923 or send an e-
479 mail to datcpdfslicensing@wi.gov.

480 (b) Renewal permit license. To renew a permit license, the operator shall pay the
481 department, the applicable permit license fee specified under s. ATCP 78.06 before the permit
482 license expires. If the payment to renew the permit license is not made to the department before
483 the expiration date of the permit license, the late fee specified under s. ATCP 78.06 (2) (c) shall
484 be paid in addition to the permit license fee.

485 Note: Local health departments that are agents for the department have authority under s.
486 97.615 (2) (d), Stats., to establish and collect fees for licenses issued by the local
487 health department. If your establishment was licensed by a local health
488 department, contact the local health department for its license fee schedule.

489 (5) Department action on permit license application.

490 (a) The department or its agent shall issue or deny a permit license within 30 days after
491 receiving a complete application, all applicable fees, and the other information required under
492 sub. (4).

493 (b) Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued
494 validity of a permit license issued under this paragraph may be conditioned upon the requirement
495 that the permit license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances
496 adopted under s. 97.615 (2) (g), Stats., within a period of time specified. If the condition is not
497 met within the specified time or after an extension of time approved by the department, the
498 permit license is void. No person may operate a camp after a permit license has been voided
499 under this paragraph, and any person who does so shall be subject to the penalties under ss. 97.72
500 and 97.73, Stats. An operator whose permit license is voided under this paragraph may appeal
501 the decision under s. ATCP 78.09.

502 (c) The department or its agent may refuse to issue or renew a permit license to operate a
503 camp under any of the following circumstances:

504 1. The department or its agent has not conducted a preinspection of a camp for which an
505 initial or new permit license is required under sub. (1).

506 2. The operator of a camp has not corrected a condition for which the department or
507 agent has issued a written health or safety-related order.

508 3. All applicable fees under s. ATCP 78.06 have not been paid, including the permit
509 license fee, preinspection fee, reinspection fee, or other applicable fees.

510 4. The operator has modified, repaired or maintained the camp in a manner that is not in
511 accordance with what the department recognizes as safe practice as outlined in this chapter.

512 5. The operator, applicant, or permit license holder has failed to provide the department
513 or its agent with information required under sub. (4).

514 6. The operator or applicant has violated ch. 97, Stats., this chapter, or any order,
515 ordinance, or regulation created by a village, city, county, or local board of health having
516 jurisdiction, provided such violation is related to the operation of the camp.

517 (d) If the department or its agent denies an application for a permit license, the applicant
518 shall be given reasons, in writing, for the denial and information regarding appeal rights under s.
519 ATCP 78.09.

520 (6) Voided permit license for failure to pay fees. If an applicant or operator fails to pay
521 all applicable fees, late fees and processing charges under s. ATCP 78.06 within 15 days after the
522 applicant or operator receives notice of an insufficiency under s. ATCP 78.06 (3), or within 45
523 days after the expiration of the permit license, whichever occurs first, the permit license is void.
524 An operator whose permit license is voided under this subsection may appeal the decision under

525 s. ATCP 78.09. In an appeal concerning a voided ~~permit~~ license under this subsection, the
526 burden is on the permit applicant or operator to show that the entire applicable fees, late fees, and
527 processing charges have been paid. During any appeal process concerning a payment dispute,
528 operation of the camp is deemed to be operation without a ~~permit~~ license and is subject to the
529 fees under s. ATCP 76.06 (e) in addition to the fees otherwise due, unless the applicant or
530 operator meets its burden of proof under this subsection.

531 (7) ~~Permit License~~ posting. A current permit from the department shall be posted in a
532 place visible to the public. A permit may not be altered or defaced.

533 History: Cr. Register, January, 2001, No. 541, eff. 2-1-01; CR 01-016: am. (3) (a)
534 Register May 2002 No. 557, eff. 6-1-02; CR 08-073: renum. from HFS 175.05, r.
535 and recr. Register January 2009 No. 637, eff. 2-1-09; correction in (6) made under
536 s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; correction in (4) (a) 2.
537 made under s. 13.92 (4) (b) 6., Stats., Register January 2012 No. 673; renum.
538 from DHS 175.05 Register June 2016 No. 726; correction in (1) (a), (3) (a), (b),
539 (4) (a) 1., (b), (5) (b), (c) 3., 6., (d), (6) made under s. 13.92 (4) (b) 7., Stats.,
540 correction in (5) (b) made unser s. 35.17, Stats., Register June 2016 No. 726.

541 **SECTION 32.** ATCP 78.06 is amended to read:

542 ATCP 78.06 Department fees.

543 (1) Fee schedules. The fees listed in Table ATCP 78.06 A shall apply to ~~permits~~ licenses
544 issued from April 1, 2009 through March 31, 2011. The fees listed in Table ATCP 78.06 B shall
545 apply to ~~permits~~ licenses issued on or after April 1, 2011.

546 Note: Local health departments that are agents for the department have
547 authority under s. 97.615 (2) (d), Stats., to establish and collect fees for permits
548 issued by the local health department. If your establishment was permitted by a
549 local health department, contact the local health department for its ~~permit~~ license
550 fee schedule.

551 (2) Types of fees.

552 (a) Preinspection fee. The operator of a camp shall, pursuant to sub. (1), pay the
553 applicable preinspection fee listed in Table ATCP 78.06 A or B to the department before an
554 initial or new permit license is issued under s. ATCP 78.05.

555 (b) Permit License fee. The operator of a camp shall, sub. (1), pay the applicable permit
556 license fee listed in Table ATCP 78.06 A or B to the department for each camp that the operator
557 applies for a permit license to operate under s. ATCP 78.05.

558 (c) Late fee. If the permit fee for a permit license renewal is not paid before the
559 expiration date of the permit, the operator of the camp shall pay to the department a late fee of
560 \$85.00 in addition to the renewal permit license fee.

561 (d) Reinspection fee. If the department conducts a reinspection of a camp under s. ATCP
562 78.07 (1) (b), the operator shall, pursuant to sub. (1), pay to the department the applicable
563 reinspection fee listed in Table ATCP 78.06 A or B. The department shall assess an additional
564 reinspection fee as listed in Table ATCP 78.06 A or B, whichever is applicable, for any
565 additional re-inspection conducted under s. ATCP 78.07 (1) (b) 4.

566 (e) Fees for operating without a permit license. Any camp found to be operating without
567 a permit shall pay to the department a fee of \$749.00, in addition to all applicable fees and any
568 processing charges under section.

569 Note: Anyone operating a camp without a license is also subject to the penalties in ss.
570 97.72 and 97.73, Stats.

571 (f) Duplicate permit license. The department shall charge the operator a camp \$15 for a
572 duplicate permit license.

573 (g) Fees for special condition inspections. For inspection or consultation activities that
574 are not directly related to the department's permitting and licensing responsibilities, the

575 department shall charge the operator or the entity requesting the inspection or consultation
576 \$175.00.

577 (3) Method of payment. If the payment for an initial or renewal permit license is by
578 check or other draft drawn upon an account containing insufficient funds, the applicant or
579 operator shall, within 15 days after receipt of notice from the department of the insufficiency,
580 pay all applicable fees under sub. (1) and the financial institution's processing charges by
581 cashier's check or other certified draft, money order, or cash. - See PDF for table PDF - See PDF
582 for table PDF

583 History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS
584 175.06 Register June 2016 No. 726; correction in (1), (2) (a), (b), (d) made under
585 s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

586 **SECTION 33.** ATCP 78.07 (1) (b) 4 is amended to read:

587 ATCP 78.07 (1) (b) 4. ATCP 78.07 (1) (b) 4. If an additional reinspection is required
588 because a violation has not been corrected in the scheduled time, the department shall assess the
589 operator an additional reinspection fee as authorized under s. ATCP 78.06 (2) (d), and the
590 department may order the operator to show just cause why the permit license should not be
591 suspended or revoked under s. ATCP 78.08.

592 **SECTION 34.** ATCP 78.07 (2) (b) is amended to read:

593 ATCP 78.07 (2) (b) b) If the order to correct violations is not carried out by the
594 expiration of the time period stated in the order, or any extension of time granted for compliance,
595 the department or agent may issue an order under s. ATCP 78.08 to suspend or revoke the permit
596 license to operate the camp.

597 **SECTION 35.** ATCP 78.08 is amended to read:

598 ATCP 78.08 Suspension or revocation of permit license. The department may, after a
599 hearing under s. ATCP 78.09, suspend or revoke a permit license for violation of s. 97.67, Stats.,
600 this chapter or an order issued by the department. The suspension or revocation order shall take
601 effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 78.09.

602 History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS
603 175.08 Register June 2016 No. 726; correction made under s. 13.92 (4) (b) 7.,
604 Stats., Register June 2016 No. 726.

605 **SECTION 36.** ATCP 78.09 (1) (a) is amended to read:

606 ATCP 78.09 (1) (a) Except as provided in sub. (2) or (3), a request for a hearing for
607 denial of a permit license, a voided permit license, suspension, revocation, forfeiture, or an order
608 given under s. ATCP 78.07 (1) (b) 4. or (2) shall be submitted in writing to the department of
609 administration's division of hearings and appeals within 15 days after receipt of the notice of the
610 department's action.

611 **SECTION 37.** ATCP 78.09 (1) (e) is amended to read:

612 ATCP 78.09 (1) (e) As a condition for requesting a hearing under this subsection to
613 appeal the voiding of a permit license, an applicant or operator shall comply with sub. (3). In an
614 appeal concerning voiding a permit license, the burden is on the applicant or operator to show
615 that the entire applicable fees, late fees and processing charges have been paid.

616 **SECTION 38.** ATCP 78.09 (3) is amended to read:

617 ATCP 78.09 (3) If the department voids a permit license under s. ATCP 78.05 (6), the
618 operator shall submit, within 15 days after receipt of the notice of the department's action,
619 documentary evidence that all applicable fees, late fees and processing charges have been paid
620 and that there are no outstanding payments due to the department.

621 History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS
622 175.09 Register June 2016 No. 726; correction in (1) (a), (2) (intro.), (3) made
623 under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

624 **SECTION 39.** ATCP 78.10 is amended to read:

625 ATCP 78.10 Appeals of actions by agent health departments. If an agent issues a permit
626 license under this chapter, the agent shall create enforcement and appeal procedures under ss.
627 66.0417 and 97.615 (2) (g), Stats.

628 History: CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS
629 175.10 Register June 2016 No. 726; correction made under s. 13.92 (4) (b) 7.,
630 Stats., Register June 2016 No. 726.

631 **SECTION 40.** ATCP 78.18 (6) is amended to read:

632 ATCP 78.18 (6) Swimming pools. Any swimming pool, wading pool, whirlpool or
633 similar structure shall comply with ch. SPS 390 and the camp operator shall obtain a permit
634 license and operate the pool in accordance with ch. ATCP 76.

635 History: Cr. Register, January, 2001, No. 541, eff. 2-1-01; correction in (4) (c) 2. was
636 made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08-073:
637 renum. from HFS 175.13 Register January 2009 No. 637, eff. 2-1-09; corrections
638 in (2) (c) and (6) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No.
639 637; corrections in (4) (c) 2., (6) made under s. 13.92 (4) (b) 7., Stats., Register
640 January 2012 No. 673; renum. from DHS 175.18 Register June 2016 No. 726;
641 correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No.
642 726.

643 **SECTION 41.** ATCP 79.03 (11) is amended to read:

644 ATCP 79.03 (1) "Agent" means the city, county or village designated by the department
645 under s. 97.615 (2), Stats., and ch. ATCP 74 to issue permits licenses to and make investigations
646 or inspections of public pools and water attractions.

647 **SECTION 42.** ATCP 79.03 (24) is amended to read:

648 ATCP 79.03 (24) "Person" means, for purposes of issuing a permit license, an individual,
649 partnership, association, firm, company, corporation, municipality, county, town or state agency,

650 whether tenant, owner, lessee or licensee, or the agent, heir, or assignee of any of these, as
651 applicable.

652 **SECTION 43.** ATCP 79.05 is amended to read:

653 ATCP 79.05 Permit License to operate a campground.

654 (1) Permit License required.

655 (a) Conditions requiring a permit license. No person may operate a campground without a
656 permit license from the department or its agent if any one of the following applies:

657 1. A person offers or intends to offer 3 or fewer campsites and advertises or otherwise
658 presents to the public an offer of the campground or specific campsites.

659 2. A person offers or intends to offer 4 or more campsites, regardless whether the person
660 advertises or otherwise presents to the public an offer of the campground or specific campsites.

661 Note: Pursuant to s. 97.67 (1g), Stats., a campground permit license is not required for
662 camping at a county or district fair at which 4-H Club members exhibit, for the 4 days preceding
663 the fair, the duration of the fair, and the 4 days following the fair.

664 3.

665 a. Except as provided under subd. 3. b., if a permit license holder sells or otherwise
666 transfers ownership or operation of a campground to another person, a new permit license is
667 required under s. 97.67 (2) (a), Stats., and the campground may not be opened to the public until
668 the department or its agent has issued a new permit license.

669 b. As provided in s. 97.67 (2) (b) and (c), Stats., an individual may transfer a permit
670 license to an immediate family member, if the individual is transferring operation of the
671 campground. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70
672 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of

673 business entity may transfer a permit license to the newly formed business entity or sole
674 proprietorship if the campground remains at the location for which the permit license was issued
675 and at least one individual who had an ownership interest in the sole proprietorship or business
676 entity to which the permit license was issued has an ownership interest in the newly formed sole
677 proprietorship or business entity.

678 c. Except as provided in this paragraph, no permit license issued under this chapter is
679 transferable from one premise to another or from one person or entity to another.

680 d. A person who wishes to transfer a permit license under subd. 3. a. or b. shall notify the
681 department or its agent prior to operation of the campground.

682 Note: Under s. 97.605 (4) (a) 2., Stats., "Immediate family member" means a spouse,
683 grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a
684 grandparent, parent, sibling, child, stepchild, or grandchild. Under ss. 97.605 (4)
685 (a) 1. and 179.70 (1), Stats., "business entity" means: a corporation, as defined in
686 s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102 (10),
687 Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5), Stats.,
688 a foreign limited liability company, as defined in s. 183.0102 (8), Stats., a foreign
689 limited partnership, a foreign corporation, as defined in s. 180.0103 (9), Stats., or
690 a foreign corporation, as defined in s. 181.0103 (13), Stats.

691 Note: To notify the department of a transfer of ownership, call (608) 224-4923 or send
692 an e-mail to datcpdfslicensing@wi.gov.

693 (b) Conditions requiring multiple permits licenses. If 2 or more campgrounds are located
694 within a tract of land owned by the person who owns or operates both campgrounds and the
695 central registration location of each campground is separated by 5 or more miles, a separate
696 permit license is required for each campground.

697 (c) Preinspection required. Before the department or its agent may issue a permit license
698 to operate a campground under par. (a) or (b), the department or agent shall conduct a
699 preinspection. A preinspection is not required for a transfer to an immediate family member
700 under par. (a) 3. b.

701 Note: Pursuant to 97.67(1m), Stats., the department or a local health department granted
702 agent status under s. 97.615 (2), Stats., may not, without a preinspection, grant a
703 permit license to a person intending to operate a new public campground or to a
704 person intending to be the new operator of an existing campground.

705 (2) ~~Permit License~~ duration and renewal.

706 (a) Expiration. Each ~~permit~~ license issued under this chapter expires on June 30, except
707 that a ~~permit~~ license initially issued during the period beginning on April 1 and ending on June
708 30, expires on June 30 of the following year.

709 (b) Annual renewal. Each ~~permit license~~ shall be renewed annually as provided in sub.
710 (4).

711 (3) New ~~permit license~~.

712 (a) Application. To apply for a new ~~permit license~~, the applicant shall apply on an
713 application form provided by the department or its agent. The completed application shall be
714 accompanied by all of the following:

715 1. The applicable fees specified under s. ATPCP 79.06 and any fees previously due to the
716 department or its agent under this chapter.

717 2. Information, as determined by the department or its agent, including documentation
718 that the campground will be maintained and operated in compliance with this chapter, applicable
719 federal and state laws, as it relates to the health, safety, and welfare of the public.

720 Note: As provided under s. 97.615 (2) (d), Stats., a local health department can establish
721 and collect fees for ~~permits~~ licenses. If you were issued a ~~permit license~~ by a local
722 health department, contact the local health department for its ~~permit license~~ fee
723 schedule.

724 (b) Requests for preinspection. The operator shall contact the department or its agent and
725 arrange a time for the preinspection required under s. ATPCP 79.05 (1) (c), before operating a
726 campground.

727 Note: To obtain a copy a copy of the campground operator license application form, or
728 to arrange for a preinspection, call (608) 224-4923 or send an e-mail to
729 datcpdfslicensing@wi.gov.

730 (4) ~~Permit~~ License renewal.

731 (a) To renew a permit license, the operator shall pay the department the applicable ~~permit~~
732 license fee specified under s. ATCP 79.06 before the permit license expires. If payment to renew
733 a permit license fee is not received by the department before the expiration date of the ~~permit~~
734 license, the late fee specified under s. ATCP 79.06 (2) (c) shall be paid in addition to the ~~permit~~
735 license fee. An application for a renewal permit license is not required.

736 (b)

737 1. The department may refuse to renew a permit license as provided under sub. (5) (a) 1.

738 2. The department shall refuse to renew a permit license as provided under sub. (5) (b).

739 (5) Department or agent action on a permit license application.

740 (a) Department decision on a permit license.

741 1. The department or its agent may not issue a new permit license or renew an existing
742 permit license for a campground unless all of the following conditions are met:

743 a. The operator has corrected a condition for which the department or agent has issued a
744 written health or safety-related order.

745 b. The operator, applicant, or permit license holder has provided the department or its
746 agent with the information required under sub. (3) (a) 2., or documentation indicating that the
747 campground is designed and constructed in accordance with the state law and regulations stated
748 in this chapter.

749 c. The department or its agent has determined that the operator, applicant or ~~permit~~
750 license holder is not in violation of ch. 97, Stats., or has only a minor violation as defined in s.
751 227.04 (1) (a), Stats.

752 ~~(b) Permit License~~ prohibited. The department or its agent shall refuse to issue a new
753 ~~permit license~~ or renew an existing ~~permit license~~ to operate a campground under any of the
754 following circumstances:

755 1. A fully and accurately completed, signed and dated application has not been received
756 by the department or its agent.

757 2. The department or its agent has not conducted the preinspection required under s.
758 ATCP 79.05 (1) (c).

759 3. The department or its agent has not approved the plan for the campground under s.
760 ATCP 79.04.

761 4. The operator has not paid all of the applicable fees under s. ATCP 79.06.

762 5. The operator has modified, repaired, or maintained the campground in a manner that is
763 not in accordance with what the department recognizes as safe practice as outlined in this
764 chapter.

765 (c) ~~Conditional permit license~~. Except as provided in s. 93.135, Stats., the initial
766 issuance, renewal, or continued validity of a ~~permit license~~ may be conditioned upon the
767 requirement that the ~~permit license~~ holder correct a violation of this chapter, s. 97.67, Stats., or
768 ordinances adopted under s. 97.615 (2) (g), Stats., within a specified period of time. If the
769 condition is not satisfied within the specified time or after an extension of time approved by the
770 department, the ~~permit license~~ is void. No person may operate a campground after a ~~permit~~
771 license has been voided. Any person who does so shall be subject to the penalties under ss. 97.72

772 and 97.73, Stats., and fees under s. ATCP 79.06 (2) (e). An operator whose permit license is
773 voided under this paragraph may appeal the decision under s. ATCP 79.09.

774 (d) Granting or denial of a license.

775 1. The department or its agent shall issue or deny a new permit license or shall renew a
776 permit for a campground within 30 days after the applicant meets all of the requirements under
777 subs. (3) or (4), as applicable.

778 2. If the department or its agent denies an application for a permit license, the applicant
779 shall be given reasons, in writing, for the denial and information regarding appeal rights provided
780 under s. ATCP 79.09.

781 (6) Voided permit license for failure to pay fees.

782 (a) Payment time frame. If an applicant or operator fails to pay all applicable fees, late
783 fees, and processing charges under s. ATCP 79.06, within 45 days after the expiration of the
784 permit, the permit license is void.

785 (b) Notice of insufficiency. If the department receives a notice of an insufficiency under
786 s. ATCP 79.06 (3), the applicant or operator shall have 15 days after receipt of notice from the
787 department of the insufficiency to pay all applicable fees and processing charges or the permit
788 license is void.

789 (c) Appeal rights. An operator whose permit license is voided under this subsection may
790 appeal the decision as provided under s. ATCP 79.09. The burden is on the permit license
791 applicant or operator to show that all applicable fees, late fees and processing charges have been
792 paid. During any appeal process concerning a payment dispute, operation of the campground is
793 deemed to be operation without a permit license and is subject to the fees under s. ATCP 79.06

794 (2) (e) in addition to the fees otherwise due, unless the applicant or operator meets its burden of
795 proof under this subsection.

796 (7) ~~Permit License~~ posting. A current ~~permit license~~ issued by the department shall be
797 posted in a place visible to the public. A ~~permit license~~ may not be altered or defaced.

798 History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; correction in (1) (a)
799 3. a., d. made under s. 13.92, (4) (b) 7., Stats., correction in (5) (b) 1., (d) made
800 under s. 35.17, Stats., Register October 2015 No. 718; renum. from DHS 178.05
801 Register June 2016 No. 726; correction in (1) (a) 3. a., b., (3) (b), (4) (a), (5) (a) 1.
802 c., (c), (d) 2., (6) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No.
803 726; correction in (5) (c) made under s. 13.92 (4) (b) 7., Stats., Register January
804 2017 No. 733.

805 **SECTION 44.** ATCP 79.06 is amended to read:

806 ATCP 79.06 Department fees.

807 (1) Fee schedule. Pursuant to s. 97.67 (5), Stats., no permit may be issued until all
808 applicable fees have been paid. Table ATCP 79.06 applies to campground ~~permits~~ licenses
809 issued by the department under this chapter.

810 Note: As provided in s. 97.615 (2) (d), Stats., a local health department can establish and
811 collect fees for permit license If you were issued a permit by a local health department, contact
812 the local health department for its permit license fee schedule.

813 (2) Types of fees.

814 (a) Preinspection fee. The operator shall pay the applicable preinspection fee listed in
815 Table ATCP 79.06 to the department before a new permit license is issued under s. ATCP 79.05
816 (3).

817 (b) Permit License fee. The operator shall pay the applicable permit license fee listed in
818 Table ATCP 79.06 to the department for each campground for which the operator applies for a
819 new or renewal permit license.

820 (c) Late fee. If the permit license fee for a permit renewal is not paid before the
821 expiration date of the permit license, the operator shall pay to the department a late fee of \$85.00
822 in addition to the renewal permit license fee.

823 (d) Reinspection fee. If the department conducts a reinspection of a campground under s.
824 ATCP 79.07 (1) (b) 1. or 4., the operator shall pay to the department the applicable reinspection
825 fee listed in Table ATCP 79.06. The department shall assess an additional fee as listed in Table
826 ATCP 79.06, for any second or subsequent reinspection conducted under s. ATCP 79.07 (1) (b)
827 4.

828 (e) Fees for operating without a permit license. If a campground is found to be operating
829 without a permit license, the operator shall pay to the department a fee of \$749.00, in addition to
830 all applicable fees and any processing charges under sub. (3).

831 Note: Anyone operating a campground without a license is also subject to the penalties
832 in ss. 97.72 and 97.73, Stats.

833 (f) Duplicate permit license. If an operator requests a duplicate permit permit license, the
834 operator shall pay the department a fee of \$15.00.

835 (g) Fees for special condition inspections. For inspection or consultation activities that
836 are not directly related to the department's responsibilities for issuing permits licenses, the
837 department shall charge the operator or the entity requesting the inspection or consultation
838 \$175.00.

839 (3) Penalties for insufficiency of payment. If the payment for a new or renewal permit
840 license is by check or other draft drawn upon an account containing insufficient funds, the
841 applicant or operator shall, within 15 days after receipt of notice from the department of the
842 insufficiency, pay all applicable fees under sub. (1) and the financial institution's processing
843 charges by cashier's check or other certified draft, money order, or cash.

844 **SECTION 45.** ATCP 79.07 (1) (b) 4 is amended to read:

845 ATCP 79.07 (1) (b) 4. 4. If an additional reinspection is required because a violation has
846 not been corrected in the scheduled time, the department shall assess a second or subsequent
847 reinspection fee based on Table ATCP 79.06 as authorized under s. ATCP 79.06 (2) (d), and the
848 department may order the operator to show just cause why the permit license should not be
849 suspended or revoked under s. ATCP 79.08.

850 **SECTION 46.** ATCP 79.07 (2) (b) 1 is amended to read:

851 ATCP 79.07 (2) (b) 1. If a violation is not corrected by the expiration of the time period
852 stated in the order given under par. (a), or any extension of time granted under par. (c), the
853 department or agent may issue an order under s. ATCP 79.08 to suspend or revoke the permit
854 license to operate the campground. An order for suspension or revocation shall take effect as
855 provided under s. ATCP 79.08.

856 **SECTION 47.** ATCP 79.07 (4) (b) is amended to read:

857 ATCP 79.07 (4) (b) The department or its agent shall void the campground permit
858 license under s. ATCP 79.05 (5) (b), if the operator continues to be out of compliance or fails to
859 meet the objectives outlined in the action plan past the date provided in the action plan.

860 History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; correction of
861 numbering in (1) (a) made under s. 13.92 (4) (b) 1., Stats., Register October 2015
862 No. 718; renum. from DHS 178.07 Register June 2016 No. 726; correction in (1)
863 (a) (intro.), 2., (b) 3., 4., (2) (b), (3) (intro.), (c), (d), (4) (b) made under s. 13.92
864 (4) (b) 7., Stats., Register June 2016 No. 726.

865 **SECTION 47.** ATCP 79.08 is amended to read:

866 ATCP 79.08 Suspension or revocation of permit license. The department may, after a
867 hearing under s. ATCP 79.09, suspend or revoke a permit license for violation of s. 97.67, Stats.,

868 this chapter or an order issued by the department. The suspension or revocation order shall take
869 effect 15 days after the date of issuance unless a hearing is requested under s. ATCP 79.09 (1).

870 History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS
871 178.08 Register June 2016 No. 726; correction made under s. 13.92 (4) (b) 7.,
872 Stats., Register June 2016 No. 726.

873 **SECTION 48.** ATCP 79.09 (1) (a) is amended to read:

874 ATCP 79.09 (1) (a) Except as provided in sub. (2) or (3), a request for a hearing to
875 contest the denial of a ~~permit~~ license, a voided ~~permit~~ license, suspension, revocation, forfeiture,
876 or the issuance of an order under s. ATCP 79.07 (2) shall be submitted in writing to, and be
877 received by, the department of administration's division of hearings and appeals within 15
878 calendar days after the date of the department's action.

879 **SECTION 49.** ATCP 79.09 (1) (e) is amended to read:

880 ATCP 79.09 (1) (e) As a condition for requesting a hearing to appeal the voiding of a
881 ~~permit~~ license, an applicant or operator shall comply with sub. (3). In an appeal concerning
882 voiding a ~~permit~~ license, the burden is on the applicant or operator to show that all the applicable
883 fees, late fees and processing charges have been paid.

884 **SECTION 50.** ATCP 79.09 (3) is amended to read:

885 ATCP 79.09 (3) If the department voids a ~~permit~~ license for failure to pay fees under s.
886 ATCP 79.05 (6), the operator shall submit, within 15 days after receipt of the notice of the
887 department's action, documentary evidence that all applicable fees, late fees and processing
888 charges have been paid and that there are no outstanding payments due to the department.

889 History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS
890 178.09 Register June 2016 No. 726; correction in (1) (a), (2) (intro.), (3) made
891 under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

892 **SECTION 51.** ATCP 79.10 is amended to read:

893 ATCP 79.10 Appeals of actions by agent health departments. If an agent issues a
894 ~~permit license~~ under this chapter, the operator shall appeal enforcement action to the agent health
895 department.

896 History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS
897 178.10 Register June 2016 No. 726.

898 **SECTION 29.** ATCP 79.13 (2) (b) and (3) (d) are amended to read:

899 ATCP 79.13 (2) (b) Camping cabins. Each camping cabin in the seasonal campsite and
900 any addition or attachment to a camping cabin, whether used for habitation or means of ingress
901 or egress, shall be maintained and equipped in a manner that protects the health and safety of
902 camper in accordance with chs. SPS ~~320 to 325~~ 327. Camping cabins may not be more than 400
903 square feet in area. The department or its agent may refer health and safety related construction
904 concerns to the local zoning department or the department of safety and professional services.

905 (3) (d) Camping cabins; building code requirements. Each operator-provided camping
906 cabin and any addition or attachment to a camping cabin, whether used for habitation or means
907 of ingress or egress, shall be maintained in accordance with ch. SPS ~~320 to 325~~ 327. The
908 department or its agent may refer health and safety related construction concerns to the local
909 zoning department or the department of safety and professional services.

910 **SECTION 52.** ATCP 79.13 (3) (a) 2 is amended to read:

911 ATCP 79.13 (3) (a) 2. Note: The campground operator shall obtain a ~~permit license~~ for
912 a tourist rooming house and comply with the requirements of ch. ATCP 72 for an operator-
913 provided camping unit that is more than 400 square feet in area, except for a tent, mobile home,
914 manufactured home, or recreational vehicle.

915 **SECTION 53.** ATCP 79.26 (1) is amended to read:

916 ATCP 79.26 (1) ~~Permit License~~ required.

917 (a) Before a person may operate a special event campground, the person shall have a
918 permit license issued by the department or its agent. The department or its agent may issue a
919 permit license for a special event campground only in conjunction with a special event, such as a
920 fair, rally, carnival, music festival, sporting event, community festival, or other similar event.

921 (b) No camping may occur until a permit license is granted by the department or its
922 agent.

923 **SECTION 54.** ATCP 79.26 (2) is amended to read:

924 ATCP 79.26 (2) Permit duration and renewal. A permit license issued under this section
925 may not exceed 14 days in duration.

926 **SECTION 55.** ATCP 79.26 (3) is amended to read:

927 ATCP 79.26 (3) Application. The application for a permit license for a special event
928 campground shall be made to the department or its agent at least 30 days before the special
929 event. The application for a permit license shall be made on an application form provided by the
930 department or its agent and shall include all of the following:

931 (a) The location of the event.

932 (b) An estimate of the number of people to be accommodated.

933 (c) The water supply source and distribution method.

934 (d) The number and locations of toilet facilities and plans for servicing and maintenance.

935 (e) The number and location of garbage and refuse disposal sites.

936 (f) The methods for disposal of liquid waste.

937 (g) The applicable fee specified under s. ATCP 79.06 and any fees previously due to the
938 department or its agent.

939 **SECTION 56.** ATCP 90.01 (15g) and (Note), and (15r) and (Note) are amended to read:

940 ATCP 90.01 (15g) “*NIST Handbook 44*” means *NIST Handbook 44* (2016 2018 edition)
941 published by the National Institute of Standards and Technology, United States department of
942 commerce.

943 **Note:** Copies of *NIST Handbook 44, Specifications, Tolerances and Other Technical*
944 *Requirements for Weighing and Measuring Devices* (2016 2018 edition) are on
945 file with the department and the legislative reference bureau. Copies may be
946 obtained from the U.S. Government Printing Office, Stop SSOP, Washington,
947 D.C. 20102-0001, website: www.nist.gov.

948 (15r) “*NIST Handbook 133*” means *NIST Handbook 133* (2016 2018 edition) published
949 by the National Institute of Standards and Technology, United States department of commerce.

950 **Note:** Copies of *NIST Handbook 133, Checking the Net Contents of Packaged Goods*
951 (2016 2018 edition) are on file with the department and the legislative reference
952 bureau. Copies may be obtained from the U.S. Government Printing Office, Stop
953 SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

954 **SECTION 57.** ATCP 90.03 (1) (b) is amended to read:

955 ATCP 90.03 (1) (b) Business address. The business address of the responsible person
956 under par. (a). The business address shall include street address, city, state, and ZIP code, except
957 that the street address may be omitted if ~~the address can be found under the name of the~~
958 ~~responsible person in a current city directory or telephone directory~~ if it is listed in any readily
959 accessible, well-known, widely published, and publicly available resource, including a printed
960 directory, electronic database or website. If a person manufactures, packs, or distributes a
961 consumer commodity at a place of business other than the person's principal place of business,
962 the label may disclose the address of that principal place of business rather than the actual place
963 of manufacture, packing, or distribution, provided that the substitute disclosure is not deceptive
964 or misleading.

965 **SECTION 58.** ATCP 90.04 (7) (Note) is amended to read:

966 **Note:** The above symbols need not be followed by periods or expressed as plurals. For
967 example, “oz: is the symbol for both “ounce” and “ounces.” Both upper and lower
968 case letters and exponents are acceptable.

969 **SECTION 59.** ATCP 91.01 (4) and (Note) are amended to read:

970 ATCP 91.01 (4) "*NIST Handbook 130*" means *NIST Handbook 130* (~~2016~~ 2018 edition)
971 published by the National Institute of Standards and Technology, United States department of
972 commerce.

973 **Note:** Copies of *NIST Handbook 130* (~~2016~~ 2018 edition) are on file with the department
974 and the legislative reference bureau. Copies may be obtained from the U.S.
975 Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, or at
976 www.nist.gov.

977 **SECTION 60.** ATCP 91.03 (3) (L) is repealed.

978 **SECTION 61.** ATCP 92.01 (10h) and (Note), (10p) and (Note), and (10t) and (Note) are
979 amended to read:

980 ATCP 92.01 (10h) "*NIST Handbook 44*" means *NIST Handbook 44* (~~2016~~ 2018 edition)
981 published by the National Institute of Standards and Technology, United States department of
982 commerce.

983 **Note:** Copies of *NIST Handbook 44, Specifications, Tolerances and Other Technical*
984 *Requirements for Weighing and Measuring Devices* (~~2016~~ 2018 edition) are on
985 file with the department and the legislative reference bureau. Copies may be
986 obtained from the U.S. Government Printing Office, Stop SSOP, Washington,
987 D.C. 20102-0001, website: www.nist.gov.

988 (10p) "*NIST Handbook 130*" means *NIST Handbook 130* (~~2016~~ 2018 edition) published
989 by the National Institute of Standards and Technology, United States department of commerce.

990 **Note:** Copies of *NIST Handbook 130, Uniform Laws and Regulation in the Areas of*
991 *Legal Metrology and Engine Fuel Quality* (~~2016~~ 2018 edition) are on file with the
992 department and the legislative reference bureau. Copies may be obtained from the
993 U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001,
994 website: www.nist.gov.

995

996 (10t) "NIST Handbook 133" means NIST Handbook 133 (2016 2018 edition) published
997 by the National Institute of Standards and Technology, United States department of commerce.

998 **Note:** Copies of NIST Handbook 133, Checking the Net Contents of Packaged Goods
999 (2016 2018 edition) are on file with the department and the legislative reference
1000 bureau. Copies may be obtained from the U.S. Government Printing Office, Stop
1001 SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

1002 **SECTION 62.** ATCP 92.30 (9) Intro and (Note) are amended to read:

1003 ATCP 92.30 (9) EXEMPTIONS. Subsections (1) to (76) do not apply to any of the
1004 following:

1005 **Note:** Scales identified under sub. (89) are not exempt from s. ATCP 92.02, from
1006 licensing requirements under s. 98.16, Stats., or from the testing requirement
1007 under s. 98.16 (3m), Stats.

1008 **SECTION 63.** ATCP 94.200 (1) is amended to read:

1009 ATCP 94.200 (1) The following standards of the ~~2015~~ 2018 *Annual Book of ASTM*
1010 *Standards of the American society for testing and materials* ASTM International are incorporated
1011 by reference into this chapter:

1012 (a) ASTM ~~396-15e~~ D396-18, standard specification for fuel oils.

1013 (b) ASTM ~~D910-15~~ D910-18, standard specification for aviation gasolines.

1014 (c) ASTM ~~D975-15e~~ D975-18, standard specification for diesel fuel oils.

1015 (d) ASTM ~~D1655-15e~~ D1655-18a, standard specification for aviation turbine fuels.

1016 (e) ASTM D3699-13be1, standard specification for kerosine.

1017 (f) ASTM ~~D4806-15e~~ D4806-17, standard specification for denatured fuel ethanol for
1018 blending with gasolines for use as automotive spark-ignition engine fuel.

1019 (g) ASTM ~~D4814-15e~~ D4814-18b, standard specification for automotive spark-ignition
1020 engine fuel.

1021 (h) ASTM ~~D5798-15~~ D5798-17, standard specification for ethanol fuel blends for
1022 flexible-fuel for automotive spark-ignition engines.

1023 (i) ASTM ~~D6227-14~~ D6227-17, standard specification for unleaded aviation gasoline
1024 containing a non-hydrocarbon component.

1025 (j) ASTM D6751-15^{e1}, standard specification for biodiesel fuel blend stock (B100) for
1026 middle distillate fuels.

1027 (k) ASTM ~~D7467-15~~ D7467-17, standard specification for diesel fuel oil, biodiesel
1028 blend (B6 to B20).

1029 (L) ASTM ~~D7547-15~~ D7547-17a, standard specification for hydrocarbon unleaded
1030 aviation gasoline.

1031 **SECTION 64.** ATCP 99.22 (2) is repealed.

1032 **SECTION 65.** ATCP 105.23 (2) (bm) is created to read:

1033 ATCP 105.23 (2) (bm) Electronically, by transmitting a web-based notification to a
1034 website specified by the department. Notice under this paragraph is rebuttably presumed to be
1035 timely under sub. (1) if the department receives it by midnight of the day on which the person is
1036 required to give the notice.

1037 **SECTION 66.** ATCP 118.02 (2) (b) is amended to read:

1038 ATCP 118.02 (2) (b) Contain the following information in the following format.

1039 **NOTICE ABOUT LIABILITY FOR DAMAGE TO THE RENTAL CAR**

1040 The State of Wisconsin requires us to provide the following information about your liability
1041 for damage to a rental car and the purchase of a damage waiver.

1042 **LIABILITY FOR DAMAGE TO THE RENTAL CAR**

1043 The rental agreement makes you and any authorized driver liable for any damage to the rental
1044 car caused by an accident, or by intentional, reckless or wanton misconduct, or by theft that
1045 you may have intentionally caused. Total liability for any damage is limited to:

- 1046 1) reasonable repair costs, less discounts available to us, or the fair market value of the car,
1047 whichever is less, and
- 1048 2) actual and reasonable towing costs, and for storage costs during the period before you
1049 notify the rental company of the damage to the vehicle or for 14 days after the damage
1050 occurs, whichever period is shorter.

1051 **LIABILITY FOR DAMAGE AFTER THE RENTAL CAR HAS BEEN STOLEN**

1052 If a person who drives the rental car without your authorization causes damage to the car,
1053 you may be liable for the damage as though you or an authorized person was driving the car
1054 unless you do all of the following:

- 1055 1) Refrain from leaving the ignition key in the car when you are not in the car.
- 1056 2) Always keep the ignition key in your possession.
- 1057 3) Immediately report to the local police if you learn the car has been stolen, or that an
1058 unauthorized person is driving the car.
- 1059 4) Cooperate fully with the local police by providing any information you know that may be
1060 helpful.

1061 **INSURANCE OR CREDIT CARD COVERAGE**

1062 Liability for any damage may be covered by your personal insurance policy or credit card
1063 agreement. Check your insurance policy or credit card agreement about coverage.

1064 **DAMAGE WAIVER COVERAGE**

1065 A damage waiver is **not** insurance coverage. If you purchase a damage waiver for \$_____ per
1066 day, we will waive our right to hold you or any authorized driver liable for damage. Even if
1067 you buy a damage waiver, you and any authorized driver will remain liable for damage if any
1068 of the following apply:

- 1069 1) You cause, or any authorized driver causes, the damage intentionally or by reckless or
1070 wanton misconduct.
- 1071 2) The damage occurs while you, or any authorized driver, operates the car in this state while
1072 under the influence of an intoxicant or other drug, as described by the laws of this state.
- 1073 3) The damage occurs while you, or any authorized driver, operates the car in another state
1074 while under the influence of an intoxicant or other drug, as described by the laws of that state.
- 1075 4) The damage occurs while you, or any authorized driver, is engaged in a race, speed, or
1076 endurance contest.

- 1077 5) The damage occurs while you or any authorized driver is using, or has directed another to
1078 use, the car in the commission of a misdemeanor, or a felony, as defined by s. 939.60, Stats.
- 1079 6) The damage occurs while you are using, or any authorized driver is using, the car to carry
1080 persons or property for hire.
- 1081 7) The damage occurs while you are using, or any authorized driver is using, the car outside
1082 the United States and Canada, except as is permitted under the rental agreement.
- 1083 8) The damage occurs while the car is operated on a surface not intended for use by private
1084 passenger vehicles.
- 1085 9) You provide us misleading or false information in order to rent the car, which causes us to
1086 rent you the car when we would not have otherwise done so, or on terms to which we would
1087 not have otherwise agreed.
- 1088 10) You, or an authorized driver who was operating the car when an accident occurred, fail to
1089 promptly report, to us and the police, the accident resulting in damage to the car.
- 1090 11) The damage is caused by an unauthorized driver if you did not report a theft to the police
1091 within 24 hours after you learned the unauthorized driver took possession of the car, did not
1092 cooperate with the police in providing information about the theft, or left the ignition key in
1093 the car at the time of the theft.

1094 **NOTICE OF RIGHT TO INSPECT DAMAGE**

1095 If the car is damaged, we may not collect any amount for the damage unless you, or an
1096 authorized driver against whom we claim liability, have been promptly notified of your and
1097 your insurers' right to inspect the unrepaired car within two working days after we were
1098 notified of the damage. If you request, we must also give you a copy of any estimate we have
1099 obtained from a repair shop regarding any damage claim. Within 2 working days after
1100 receiving that estimate, you may request a second estimate from a competing repair shop and
1101 we must give you a copy of the second estimate.

1102 **COMPLAINTS**

1103 If you have any complaints about our attempt to hold you liable for damages or would like a
1104 copy of the state law that fully sets forth your rights and obligations, contact:

1105 ~~Wisconsin Bureau of Consumer Protection Bureau~~
1106 P.O. Box 8911, Madison, WI 53708-8911
1107 ~~608-224-4960 (Madison area) or Call toll-free: 1-800-422-7128~~

1108 **SECTION 67.** ATCP 118.12 is amended to read:

1109 ATCP 118.12 (2) (a) Include the following verbatim notice, in 16-point bold-face type in the
1110 following format, immediately adjacent to the renter signature line in the rental agreement:

1111 **“WHAT IF YOU FAIL TO PAY A PARKING TICKET?**

1112 **We Will Charge Your Credit Card For Unpaid Parking Tickets You May Incur While The**
1113 **Vehicle Is In Your Possession.”**

1114 (b) Include the following verbatim written notice in the rental agreement, or in an
1115 accompanying document without other text or markings, before the renter signs the rental
1116 agreement:

1117 **“NOTICE ABOUT CHARGES AGAINST YOUR CREDIT CARD FOR UNPAID**
1118 **PARKING TICKETS**

1119 **IF YOU FAIL TO PAY any forfeitures, costs, or towing and storage charges for**
1120 **nonmoving traffic violations incurred while you are in possession of the rental or leased**
1121 **vehicle, the rental company may pay those sums and CHARGE TO YOUR CREDIT**
1122 **CARD the amount paid for the forfeitures, costs, or charges plus an administrative fee of**
1123 **not more than \$30.”**

1124 (c) The notice under par. (b) shall be printed in 11-point type, except that capitalized portions
1125 shall be in 13-point type bold-face type. If the notice is contained on a separate document, it shall
1126 be printed on 8 ½ by 11 inch paper.

1127 (d) The rental company shall give each renter a copy of the notice under par. (b) along with
1128 the renter's copy of the signed rental agreement, and shall retain a copy with a copy of the signed
1129 rental agreement for at least 6 years. The rental company may retain its copy in photographic or
1130 electronic form. A rental company that retains its copy in photographic or electronic form shall
1131 print that copy for the department upon request.

1132 **SECTION 68.** ATCP 163, 164, 165 and 166 are repealed.

1133 **SECTION 69. EFFECTIVE DATE:** This rule takes effect on the first day of the month
1134 following publication in the Wisconsin administrative register, as provided in s. 227.22 (2)
1135 (intro.), Stats.

Dated this _____ day of _____, 2018.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Sheila E. Harsdorf, Secretary

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Wisconsin Admin. Code chs. ATCP 21, 21, Appendix A, 40, 42, 65, 71, 72, 73, 76, 77, 78, 79, 90, 91, 92, 94, 99, 105, 118, 163, 164, 165, 166

3. Date Rule promulgated and/or revised; Date of most recent Evaluation

multiple

4. Plain Language Analysis of the Rule, its Impact on the Policy Problem that Justified its Creation and Changes in Technology, Economic Conditions or Other Factors Since Promulgation that alter the need for or effectiveness of the Rule.

This rule makes minor or technical changes to a number of current Department rules. This rule does all of the following:

Plant Inspection and Pest Control: Adds the state of Maryland to a section specific to the thousand cankers disease of walnut trees infested area. Adds additional county, state, and provincial references in Appendix A, Areas Infested by Hemlock Woolly Adelgid.

Fertilizer and Related Products: Changes the expiration date of a license to a later date, lowers the fee for the agricultural chemical cleanup surcharge, and updates referenced publications to current versions.

Commercial Feed: Updates the technical standards in the current rule to the most recent versions.

Milk and Milk Products: Corrects references to federal regulations.

Food Warehouses and Milk Distributors: Corrects references to federal regulations.

Bed and Breakfast Establishments: Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Safety, Maintenance, and Operation of Public Pools and Water Attractions: Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Laboratory Certification: Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Recreational and Educational Camps: Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Campgrounds: Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services (DHS).

Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Petroleum and Other Liquid Fuel Products: Corrects minor grammatical errors; updates the technical references to cite the current NIST Handbook and ATSM fuel standards; amends notes to reference website addresses and form numbers; removes obsolete notes.

Grain Dealers and Grain Warehouse Keepers: Removes the requirement for a notary.

Sales Below Cost: Adds provision allowing for electronic notice.

Car Rentals; Customer Notices: Makes grammatical corrections.

5. Describe the Rule's Enforcement Provisions and Mechanisms

Various.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Local Government Units

7. Summary of the Impacts, including Compliance Costs, identifying any Unnecessary Burdens the Rule places on the ability of Small Business to conduct their Affairs.

The rule makes minor or technical changes that will have no measurable effect upon small businesses.

8. List of Small Businesses, Organizations and Members of the Public that commented on the Rule and its Enforcement and a Summary of their Comments.

No businesses or individuals commented on the rule.

9. Did the Agency consider any of the following Rule Modifications to reduce the Impact of the Rule on Small Businesses in lieu of repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

10. Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

11. Chapter 20, Stats. Appropriations Affected

12. Fiscal Effect of Repealing or Modifying the Rule

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

13. Summary of Costs and Benefits of Repealing or Modifying the Rule

The rule will benefit the public and Wisconsin businesses by clarifying and updating existing rules, including updating technical standards in the rules.

14. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No

15. Long Range Implications of Repealing or Modifying the Rule

The administrative code will benefit from improved clarity and increased accuracy.

16. Compare With Approaches Being Used by Federal Government

The federal government also reviews its administrative rules to make corrections and updates.

17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Neighboring states also correct errors and updates their administrative rules.

18. Contact Name

Paul Dedinsky, Chief Legal Counsel

19. Contact Phone Number

(608) 224-5022

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