

Notice of Preliminary Public Hearing and Comment Period on Statement of Scope

The Department of Agriculture, Trade and Consumer Protection (department) announces that it will hold a public hearing on the Statement of Scope [\[SS 068-24\]](#), a statement of scope indicating the department's intent to engage in rulemaking to revise ch. ATCP 92, Wis. Admin. Code, relating to weights and measures. In accordance with § 227.136, the department will hold a public hearing and receive public comments regarding the proposed rulemaking as described in [\[SS 068-24\]](#), as follows, at the time and place shown below.

Hearing Information

Date: Wednesday, July 31, 2024

Time: Commencing at 10:00 A.M.

Location: Board Room 106, Prairie Oaks State Office Building
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
Madison, WI 53718

Accessibility

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter by July 24, 2024, by writing to ATTN: Hannah E. Brown, Division of Trade and Consumer Protection, Department of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708-8911. Alternatively, you may contact Hannah E. Brown TDD at (608) 224-5172.

Appearances at the Hearing and Submittal of Written Comments

The department will hold the public hearing at the time and place shown above. The department invites the public to attend the public hearing on the proposed scope statement and to comment on the proposed statement of scope.

Written public comments may be sent to Hannah E. Brown at the Division of Trade and Consumer Protection, Department of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708-8911 or by e-mail to HannahE.Brown@wisconsin.gov. The deadline for submitting written comments is August 7, 2024. In addition, written comments may be

submitted as described below.

The statement of scope may be reviewed and comments made at https://docs.legis.wisconsin.gov/code/scope_statements/comment and https://datcp.wi.gov/Pages/About_Us/AdministrativeRules.aspx no later than August 7, 2024.

Approved: 7-3-2024

/s/ Randy Romanski

Randy Romanski, Secretary



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: July 11, 2024

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary

SUBJECT: Approval of Statement of Scope Hearing for ATCP 92: Weights and Measures

PRESENTED BY: Hannah E. Brown, Policy Advisor, Division of Trade and Consumer Protection
Dr. Joe Smith, Director, Bureau of Weights and Measures, Division of Trade and Consumer Protection

REQUESTED ACTION:

At the July 11, 2024 Board meeting, the Department will request approval to hold a preliminary public hearing and comment period on the Statement of Scope regarding Wis. Admin. Code ch. ATCP 92 (Weights and Measures).

SUMMARY:

On June 26, 2024, the Joint Committee for Review of Administrative Rules (JCRAR) requested DATCP to hold a preliminary public hearing and comment period on Scope Statement SS 068-24, which was published in the *Wisconsin Administrative Register* on June 17, 2024. The Department proposes to hold a preliminary public hearing on SS 068-24 on Wednesday, July 31, 2024, commencing at 10:00 AM.

DATCP proposes to amend Wis. Admin. Code ch. ATCP 92 to include electric vehicle charging station meters as a weights and measures device regardless of how fees are assessed to consumers. Wisconsin Stat. § 98.03 (2) states, "The department may issue rules governing the construction, installation, and use of commercial weights and measures and prescribing tolerances therefor. The specifications, tolerances, and regulations for commercial weighing and measuring devices issued by the national institute of standards and technology shall apply in this state except as modified by such rules or by statute."

The Governor approved the statement of scope (SS 068-24) on June 12, 2024.

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