



State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary



DATE: February 26, 1998

TO: Chairperson Otte and Committee Members
Assembly Committee on Consumer Affairs

FROM: Bill Oemichen, Administrator
Division of Trade and Consumer Protection

RE: AB 787

The Department of Agriculture, Trade and Consumer Protection appears today in support of Assembly Bill 787.

Summary of Weights and Measures

The Department administers and enforces state weights and measures laws under Chapter 98 of the Statutes, and ch. ATCP 90-92, Wis. Adm. Code. These state laws and regulations, combined with federal uniform standards adopted by the National Conference on Weights and Measures and administered by the U.S. Department of Commerce's National Institute of Standards and Technology, provide the legal framework which governs state and local weights and measures inspection activities in Wisconsin.

The origin of the Department's Weights and Measures Program can be traced to state law enacted in 1858 in which the State Dairy and Food Commissioner was given the responsibility of serving as ex officio state superintendent of weights and measures.

Today, DATCP weights and measures inspectors conduct an estimated 30,000 device inspections, and check the accuracy of quantity declarations on about 1.5 million packages each year. With nearly \$15 billion of sales annually in Wisconsin which involve sales by weight, volume or count, consumers and businesses can be faced with potentially huge losses from inaccurate weights and measures devices or quantity misrepresentations.

Nationally, weights and measures regulations impact on transactions involving \$4.13 trillion or about 55% of the U.S. Gross National Product (GNP).

Recent Enforcement Actions

Housed in the Bureau of Consumer Protection, the Department's Weights and Measures Program includes 14 field inspectors, one program compliance officer, and a technical services coordinator engaged in education and outreach, and training activities.

During the past two years, the Department concluded a number of high profile cases involving violations of current weights and measures regulations. Some of the cases include the Bennett Pump gasoline dispensing device settlement, alleged price misrepresentations from continuing price scanning errors by several large retail chains, shortweighting packaged milk, and the intentional shortweighting and mislabeling of bulk cheese sold to minority-owned restaurants by a Green Bay area cheese plant. So far this year, we are working on another case involving the shortweighting of bulk meat product sold to the state prison system by a Milwaukee area meatpacker.

In 1997, courts imposed a total of \$68,743 in civil forfeitures on weights and measures cases pursued by the Department. While the Department can point to numerous successful weights and measures enforcement cases last year, we also spent considerable time and expense to provide special training to field inspectors on new equipment and proper testing procedures, as well as costs providing on-site technical assistance and training to businesses.

Assembly Bill 787 Highlights

The bill features three major components.

First, the enforcement cost recovery provision would allow a court to order a violator of weights and measures regulations to pay the "reasonable and necessary" costs of investigation and prosecution, including attorney fees. These cost recovery revenues, as determined by the courts, would go into a separate account and pay for special program expenses, such as expert witness fees and travel costs, special equipment, supplies and services directly attributable to the investigation, and, in rare situations, outside counsel.

Second, the bill creates a weights and measures assessment equal to 15% of a court imposed fine or forfeiture for violations of weights and measures regulations. These assessments, projected to total no more than \$10,000 during any given year, would go into another separate account and would pay for consumer and business education activities regarding weights and measures.

Finally, Assembly Bill 787 proposes a special provision under Chapter 98 prohibiting retaliation by an employer against an employee who cooperates with a weights and measures inspector by reporting information or demonstrating that a weights and measures violation occurred. This whistleblower protection will aid DATCP weights and measures enforcement activities, and improve cooperation with Department inspection efforts.

All three components of the bill will aid in improving the effectiveness of the Department's weights and measures program, and we urge your support.

Vote Record

Assembly Committee on Consumer Affairs

Date: 3-4-98
 Moved by: Black Seconded by: Ott
 AB: _____ Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: LRBa1764/1
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- | | |
|--|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input checked="" type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

Unanimous consent

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Clifford Otte, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>7</u>	<u>0</u>	<u>1</u>	<u>0</u>

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Consumer Affairs

Date: 3-4-98
 Moved by: Black Seconded by: Ott
 AB: _____ Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: LRB a 1764/1
 A: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- | | |
|--|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input checked="" type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

Committee Member	Aye	No	Absent	Not Voting
Rep. Clifford Otte, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>7</u>	<u>0</u>	<u>1</u>	<u>0</u>

Vote Record

Assembly Committee on Consumer Affairs

Date: _____
 Moved by: Ott Seconded by: Black
 AB: 789 as amended Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- | | |
|---|--|
| <input checked="" type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

Committee Member	Aye	No	Absent	Not Voting
Rep. Clifford Otte, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	7	0	1	0

Motion Carried Motion Failed

FISCAL ESTIMATE

(-4700)

1997 Session

DOA-2048 (R10/92)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

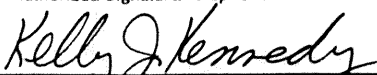
LRB or Bill No./Adm. Rule No.
AB 787

Amendment No.

Subject Investigations regarding weights and measures violations		
Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation. <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local: <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> VTAE Districts
Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This bill is not expected to have a significant fiscal effect on the Department of Justice.

Long-Range Fiscal Implications		
Agency/Prepared by: (Name & Phone No.) Justice - Kelly Kennedy 6-1221	Authorized Signature/Telephone No.  6-1221	Date February 25, 1998

Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. AB 787

Or
Subject _____

Bill Demick
(Name)

(Street Address or Route Number)

(City & Zip Code)

DATCP
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only;
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 2/26/98

Bill No. 787

Or
Subject _____

DAVID TATAR, DATCP
(Name)

2811 Agriculture Dr.
(Street Address or Route Number)

Madison, WI 53708
(City & Zip Code)

Dept of Ag, Trade and Consumer Aff.
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only;
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 2-27-98

Bill No. AB 787

Or
Subject _____

Senator Brian Burke
(Name)

(Street Address or Route Number)

(City & Zip Code)

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only;
Neither for nor against:

Please return this slip to a messenger promptly

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly

Record of Committee Proceedings

Committee on Consumer Affairs

Assembly Bill 787

Relating to: costs related to investigations regarding weights and measures violations, protection for persons reporting weights and measures violations, providing for business and consumer education and making an appropriation.

By Representatives Otte, Huber, Albers, Springer, Harsdorf, Notestein, Porter, Hasenohrl, Hahn, Wasserman, Musser, R. Potter, Kedzie and Seratti; cosponsored by Senators Clausing, Panzer, Decker, Burke and Risser.

February 11, 1998 Referred to committee on Consumer Affairs.

February 26, 1998 **PUBLIC HEARING HELD**

Present: (8) Representatives Otte, Johnsrud, Ott, M.
Lehman, Urban, Williams, Hasenohrl and
Black.

Absent: (0) None.

Appearances for

- Bill Oemichen, Administrator, Div. of Trade & Consumer Protection, DATCP
- David Tatar, DATCP

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- Senator Brian Burke, 3rd Senate District

Registrations against

- None.

March 4, 1998

EXECUTIVE SESSION

Present: (7) Representatives Otte, Johnsrud, Ott, M.
Lehman, Williams, Hasenohrl and Black.

Absent: (1) Representative Urban.

Moved by Representative Black, seconded by Representative Ott, that **Assembly Amendment 1 (LRBa1764/1)** be recommended for introduction.

Ayes: (7) Representative Otte, Johnsrud, Ott, M.
Lehman, Williams, Hasenohrl and Black.
Noes: (0) None.
Absent: (1) Representative Urban.

INTRODUCTION RECOMMENDED, Ayes 7, Noes 0, Absent 1

Moved by Representative Black, seconded by Representative Ott, that **Assembly Amendment 1 (LRBa1764/1)** be recommended for adoption.

Ayes: (7) Representative Otte, Johnsrud, Ott, M.
Lehman, Williams, Hasenohrl and Black.
Noes: (0) None.
Absent: (1) Representative Urban.

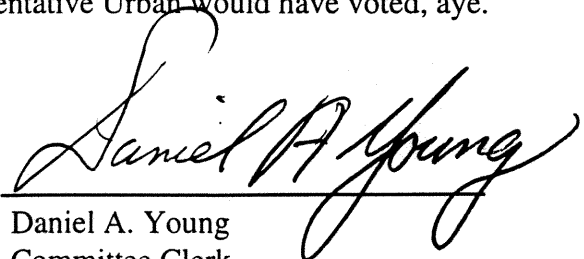
ADOPTION RECOMMENDED, Ayes 7, Noes 0, Absent 1

Moved by Representative Ott, seconded by Representative Bläck, that **Assembly Bill 787** be recommended for passage as amended.

Ayes: (7) Representatives Otte, Johnsrud, Ott, M.
Lehman, Williams, Hasenohrl and Black.
Noes: (0) None.
Absent: (1) Representative Urban.

PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 0,
Absent 1

Had he been present, Representative Urban would have voted, aye.


Daniel A. Young
Committee Clerk

Assembly

Committee Report

The committee on Consumer Affairs, reports and recommends:

Assembly Bill 787

Relating to: costs related to investigations regarding weights and measures violations, protection for persons reporting weights and measures violations, providing for business and consumer education and making an appropriation.

By Representatives Otte, Huber, Albers, Springer, Harsdorf, Notestein, Porter, Hasenohrl, Hahn, Wasserman, Musser, R. Potter, Kedzie and Seratti; cosponsored by Senators Clausing, Panzer, Decker, Burke and Risser.

INTRODUCTION OF ASSEMBLY AMENDMENT 1 (LRBa1764/1), Ayes 7, Noes 0, Absent 1

Ayes: (7) Representative Otte, Johnsrud, Ott, M. Lehman, Williams, Hasenohrl and Black.

Noes: (0) None.

Absent: (1) Representative Urban.

ADOPTION OF ASSEMBLY AMENDMENT 1 (LRBa1764/1), Ayes 7, Noes 0, Absent 1

Ayes: (7) Representative Otte, Johnsrud, Ott, M. Lehman, Williams, Hasenohrl and Black.

Noes: (0) None.

Absent: (1) Representative Urban.

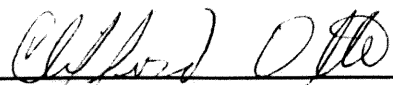
PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 0, Absent 1

Ayes: (7) Representatives Otte, Johnsrud, Ott, M. Lehman, Williams, Hasenohrl and Black.

Noes: (0) None.

Absent: (1) Representative Urban.

Had he been present, Representative Urban would have voted, aye.



Representative Clifford Otte
Chair

FISCAL ESTIMATE

DOA-2048 (R 10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No. / Adm. Rule No. AB 787 (-4700)
Amendment No. (If Applicable)

Subject
Court assessment and investigative cost recovery relating to weights and measures violations

<p>Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation</p> <p> <input type="checkbox"/> Increase Existing Appropriation <input checked="" type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Create New Appropriation </p>	<p> <input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs </p>
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<p>Local: <input checked="" type="checkbox"/> No local government costs</p> <p>1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p>	<p>3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p>	<p>5. Types of Local Governmental Unit Affected:</p> <p> <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts </p>
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<p>Fund Source Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>Affected Ch. 20 Appropriations (Proposed) 20.115(1)(jd) and (jf)</p>
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Assumptions Used in Arriving at Fiscal Estimate

This proposal would require a court to impose an assessment equal to 15% of the fine or forfeiture whenever a fine or forfeiture is imposed by a court for a weights and measures offense. In addition, this proposal would permit a court to order the offender to pay the costs of investigation and prosecution, including attorney fees, related to the offense.

Although case loads vary from year to year, the department estimates that this appropriation would provide up to \$15,000 annually to weights and measures.

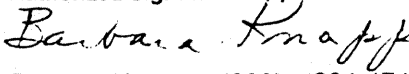
On average, about 6 weights and measures investigations per year result in formal enforcement action where fines or forfeitures are imposed by courts. In 1997, 5 weights and measures cases resulted in forfeitures in which the courts imposed a total of \$68,743 in forfeitures. If AB 787 would have been in effect, the courts would have imposed an additional 15% (\$10,311) to the offenders that could have been used by weights and measures to recover costs for additional training and education.

Under this bill, a court may also order an offender to pay any reasonable and necessary costs of investigation and prosecution related to the violation. Assuming there are 6 weights and measures cases resulting in formal prosecutions each year, the department estimates that 1 of these cases may require assistance from outside experts, specialized equipment, or other allowable, direct expense. Cost recoveries will vary, and depend upon the court's discretion in awarding appropriate recovery costs. Even so, the department estimates annual cost recovery awards of \$5,000.

The cost of administration would not be affected.

Long - Range Fiscal Implications

It is not possible to estimate the long-run impact, except to say that it is directly related to the forfeitures and fines imposed by the courts, and will vary along with the costs incurred with performing investigations.

<p>Agency/prepared by: (Name & Phone No.) DATCP David D. Tatar (608) 224-4947</p>	<p>Authorized Signature/Telephone No.  Barbara Knapp (608) 224-4746</p>	<p>Date 2/20/98</p>
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FISCAL ESTIMATE WORKSHEET

1997 SESSION

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No/Adm.Rule No. AB 787	Amendment No.
---------------------------------------	---------------

Subject Court assessment and investigative cost recovery relating to weights and measures violations		
I. One-time Cost or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): 0		
II. Annualized Cost:		Annualized Fiscal Impact on State funds from:
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations - Salaries and Fringes	\$ 0	\$ - 0
(FTE Position Changes)	(0 FTE)	(-0 FTE)
State Operations - Other Costs	0	- 0
Local Assistance	0	- 0
Aids to Individuals or Organizations	0	- 0
TOTAL State Costs by Category	\$ 0	\$ - 0
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$ 0	\$ - 0
FED	0	- 0
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
III. State Revenues - <small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Rev.	Decreased Rev.
GPR Taxes	\$ 0	\$ - 0
GPR Earned	0	- 0
FED	0	- 0
PRO/PRS	15,000	- 0
SEG/SEG-S	0	- 0
TOTAL State Revenues	\$ 15,000	\$ - 0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 15,000	\$ 0

Agency Prepared by: (Name & Phone No.) DATCP David D. Tatar (608) 224-4947	Authorized Signature/Telephone No. <i>Barbara Knapp</i> Barbara Knapp (608) 224-4746	Date 2/20/98
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ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE

DOA-2048 (R10/92)

Subject

Costs related to investigations regarding weights and measures violations

Fiscal Effect

State: No State Fiscal Effect
Check columns below only if bill makes a direct appropriation
or affects a sum sufficient appropriation

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increase Costs - May be possible to Absorb
Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- | | | |
|---|---|--|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
4. Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> VTAE Districts |
|---|---|--|

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Chap. 20.550 (1)(d)

Assumptions used in Arriving at Fiscal Estimate

This bill requires a court to impose an assessment equal to 15% of a fine or forfeiture whenever a court imposes a fine or forfeiture for an offense related to weights and measures. In addition, the court may order the offender to pay the costs of the investigation and prosecution, including attorney fees.

In FY96, the State Public Defender's Office (SPD) did not represent any person charged with an offense related to weights and measures. Therefore, enactment of this bill should not have any fiscal effect on the SPD.

Long-Range Fiscal Implications

None anticipated.

Agency/Prepared by: (Name & Phone No.)

SPD/Gina Pruski/266-6782

Authorized Signature/Telephone No.

Gina Pruski
Gina Pruski

Date

266-6782 02/19/98

LRB or Bill No./Adm. Rule No.

AB 787 - SB 449

Amendment No. if Applicable

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/94)

Subject

Assessment of 15% on fines and forfeitures imposed on obstruction of inspectors.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

LOCAL: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Assessment of 15% would be in addition to fine and forfeiture already in place.

Long-Range Fiscal Implications

Increased revenues to municipal courts/state.

Agency/Prepared by: (Name & Phone No.)

Treasury/ Michael Collins 6-7982

Authorized Signature/Telephone No.

Michael Collins 6-7982

Date

2/10/98

FISCAL ESTIMATE

DOA-2048 (R 10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No. / Adm. Rule No.

AB 787 (-4700)

Amendment No. (If Applicable)

Subject

Court assessment and investigative cost recovery relating to weights and measures violations

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Unit Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Source Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

(Proposed) 20.115(1)(jd) and (jf)

Assumptions Used in Arriving at Fiscal Estimate

This proposal would require a court to impose an assessment equal to 15% of the fine or forfeiture whenever a fine or forfeiture is imposed by a court for a weights and measures offense. In addition, this proposal would permit a court to order the offender to pay the costs of investigation and prosecution, including attorney fees, related to the offense.

Although case loads vary from year to year, the department estimates that this appropriation would provide up to \$15,000 annually to weights and measures.

On average, about 6 weights and measures investigations per year result in formal enforcement action where fines or forfeitures are imposed by courts. In 1997, 5 weights and measures cases resulted in forfeitures in which the courts imposed a total of \$68,743 in forfeitures. If AB 787 would have been in effect, the courts would have imposed an additional 15% (\$10,311) to the offenders that could have been used by weights and measures to recover costs for additional training and education.

Under this bill, a court may also order an offender to pay any reasonable and necessary costs of investigation and prosecution related to the violation. Assuming there are 6 weights and measures cases resulting in formal prosecutions each year, the department estimates that 1 of these cases may require assistance from outside experts, specialized equipment, or other allowable, direct expense. Cost recoveries will vary, and depend upon the court's discretion in awarding appropriate recovery costs. Even so, the department estimates annual cost recovery awards of \$5,000.

The cost of administration would not be affected.

Long - Range Fiscal Implications

It is not possible to estimate the long-run impact, except to say that it is directly related to the forfeitures and fines imposed by the courts, and will vary along with the costs incurred with performing investigations.

Agency/prepared by: (Name & Phone No.)

DATCP
David D. Tatar (608) 224-4947

Authorized Signature/Telephone No.

Barbara Knapp
Barbara Knapp (608) 224-4746

Date

2/20/98

FISCAL ESTIMATE WORKSHEET

1997 SESSION

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No/Adm.Rule No.
AB 787

Amendment No.

Subject Court assessment and investigative cost recovery relating to weights and measures violations		
I. One-time Cost or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): 0		
II. Annualized Cost:	Annualized Fiscal Impact on State funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations - Salaries and Fringes	\$ 0	\$ - 0
(FTE Position Changes)	(0 FTE)	(-0 FTE)
State Operations - Other Costs	0	- 0
Local Assistance	0	- 0
Aids to Individuals or Organizations	0	- 0
TOTAL State Costs by Category	\$ 0	\$ - 0
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$ 0	\$ - 0
FED	0	- 0
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
III. State Revenues - <small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Rev.	Decreased Rev.
GPR Taxes	\$ 0	\$ - 0
GPR Earned	0	- 0
FED	0	- 0
PRO/PRS	15,000	- 0
SEG/SEG-S	0	- 0
TOTAL State Revenues	\$ 15,000	\$ - 0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 15,000	\$ 0

Agency Prepared by: (Name & Phone No.) DATCP David D. Tatar (608) 224-4947	Authorized Signature/Telephone No. <i>Barbara Knapp</i> Barbara Knapp (608) 224-4746	Date 2/20/98
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FISCAL ESTIMATE
DOA-2048 N(R10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
AB 787 (-4700)

Amendment No. if Applicable

Subject

Costs related to investigations regarding weights and measures violations, protection for persons reporting weights and measures violations, providing for business and consumer education and making an appropriation

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
s. 20.475(1)(d)

Assumptions Used in Arriving at Fiscal Estimate

Under current law the Department of Agriculture, Trade and Consumer Protection refer only five or six cases to district attorneys' offices each year. This bill would not change that number nor the time needed by district attorneys to process those cases.

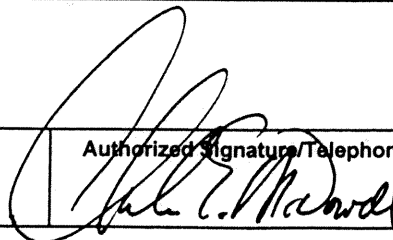
Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)

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Authorized Signature/Telephone No.

 (608) 267-3836

Date

February 18, 1998