

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/22/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Anderson**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Agriculture - miscellaneous**

Extra Copies:

Pre Topic:

ARC:.....Anderson - Am # 300,

Topic:

Model food and meat code (provision # 7)

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 06/22/99 yacketa 06/22/99	chanaman 06/22/99		_____			
/1			jfrantze 06/23/99	_____	lrb_docadmin 06/23/99		
/2	traderc 06/25/99	gilfokm 06/25/99	mclark 06/26/99	_____	lrb_docadmin 06/26/99		

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				<i>MRC/ST</i> <i>6/26</i>			
				<END>			

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99-2927/1

Model food and meat code (provision # 7)

Instructions:

See Attached

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1?	traderc	cmr 1 vhr	6/23	6/23 Km			

FE Sent For:

12/1/95
traderc

<END>

ARC

To Be Drafted

Agency

Amendment#

ARC Analyst

LRB#

Tax Cut

Summary

Agriculture Package (See Attached)

Fiscal Impact

Statement of Intent

Agriculture Package

Request#

Tuesday, June 22, 1999

Provision #6

Agency:

Agriculture, Trade & Consumer Protection

JFC Action:

The Joint Finance Committee deleted a half-time vacant trade practice analyst position (\$55,000 PR annually) from the dairy and vegetable security and trade practices appropriation to maintain expenditures within revenues. The committee created the fruit and vegetable inspection appropriation as an annual rather than a continuing appropriation. The committee also made a technical correction to specify that all fees of 1¢ per \$100 in contractual obligations be deposited to the dairy and vegetable security and trade practices appropriation.

Motion:

This motion amends JFC action, returning .50 FTE and \$55,000 PR annually to the dairy and vegetable security and trade practices appropriation and returns the fruit and vegetable inspection appropriation as a continuing appropriation.

Fiscal Effect:

This motion adds \$110,000 PR over the biennium. (\$55,000 PR annually)

Provision #7

Agency:

Agriculture, Trade & Consumer Protection

JFC Action:

The Joint Finance Committee removed the creation of the Federal Model Food Code and Meat Inspection Rules, voting it down as a policy item.

Motion:

This motion creates the Federal Model Food Code and Meat Inspection Rules, effective January 1, 2000. These changes are necessary in order to bring Wisconsin's Food Safety Program up to date with the rapidly changing national standards.

Technical language follows:

97.42 (4m) of statutes is created to read:

97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated under sub. (4), the operator of an establishment that is required to be licensed under this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 416 and 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed establishments.

227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD CODE.

Notwithstanding sub. (1), if the department of agriculture, trade and consumer protection or the department of health and family services prepares a proposed rule based on the model food code published by the federal food and drug administration, the proposed rule may be in the format of the model food code.

227.14 (4) MEAT AND POULTRY INSPECTION. The treatment of section 97.42(4) (intro.) and (4m) of the statutes takes effect on January 1, 2000.

Fiscal Effect:

The LFB expects there should be no fiscal effect associated with this provision.

Provision #8

Agency:

Public Instruction

JFC Action:

The Joint Finance Committee did not take action on this provision.

Motion:

This motion provides an additional Agriculture Education Consultant position at DPI to provide assistance in curriculum development and program improvement. DPI consultants serve as liaisons between DPI, other state agencies and the state FFA Foundation, which includes 150 major Wisconsin agribusinesses.

Fiscal Effect

This motion would have no fiscal effect. This motion earmarks existing money from the Agricultural Chemical Cleanup Fund (\$122,100 SEG over the biennium; \$61,050 annually). This appropriation includes one-time start up costs of \$5,500 for computer equipment and other office needs, and \$6,200 annually for supplies and services. The figure also includes payroll funding for nine months in FY 00 and 12 months in FY 01.

Provision #9

Agency:

Wisconsin Technical College System

JFC Action:

The Joint Finance Committee did not take action on this provision.

Motion:

This motion provides funding for a full-time Agricultural Education Consultant at the WTCS to coordinate the agricultural education program and serve as a liaison with the K-12 and University of Wisconsin (UW) systems and agribusinesses. The consultant would also direct the Post-Secondary Agriculture Student Organization, the Technical College counterpart to the Future Farmer's of America

Fiscal Effect

This motion would have no fiscal effect. This motion earmarks existing money from the Agricultural Chemical Cleanup Fund (\$89,162 SEG over the biennium; \$44,581 annually). Costs include 0.75 FTE education consultant position, and includes one-time start-up costs of \$5,500

(Soon)

1999 - 2000 LEGISLATURE

60897/1
LRB-27271
RCT:jlg&wlj:hmh
S CMH
R Not sure

ARC Caucus Amendment

~~1999~~ BILL

1 AN ACT to amend 97.42 (4) (intro.); to repeal and recreate 97.30 (1) (bm); and
2 to create 97.42 (4m) and 227.14 (1s) of the statutes; relating to: regulation of
3 slaughtering and meat processing establishments and the format of rules
4 regulating restaurants and retail food establishments.

Analysis by the Legislative Reference Bureau

Under current law, the department of agriculture, trade and consumer protection (DATCP) regulates establishments where animals are slaughtered and where meat is processed if those establishments are not federally licensed. Current law requires DATCP to promulgate rules regulating slaughtering and meat processing.

This bill requires slaughtering and meat processing establishments that are not federally licensed to comply with federal regulations applicable to federally licensed establishments, except as otherwise provided in rules promulgated by DATCP.

Under current law, DATCP regulates retail food establishments, such as grocery stores, and the department of health and family services (DHFS) regulates restaurants. Also under current law, a state agency is generally required to use the form and style used for the statutes when it promulgates rules.

Under this bill, if DATCP or DHFS promulgates a rule based on the model food code, the rule may use the format of the model food code. The model food code is

BILL

published by the federal food and drug administration as a model for state and local regulation of retail food establishments and restaurants.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Page 1012, line 20: after that line insert:

1946m B

1 "SECTION 97.30 (1) (bm) of the statutes is repealed and recreated to read:
2 97.30 (1) (bm) Except as provided by the department by rule, "potentially
3 hazardous food" means a food that requires temperature control because it is in a
4 form capable of supporting any of the following:

- 5 1. Rapid and progressive growth of infectious or toxigenic microorganisms.
- 6 2. Growth and toxin production of Clostridium botulinum.
- 7 3. In raw shell eggs, growth of Salmonella enteritidis.

1946n B

8 SECTION 97.42 (4) (intro.) of the statutes is amended to read:
9 97.42 (4) RULES. (intro.) The department shall may issue reasonable rules
10 requiring or prescribing any of the following:

1946p B

11 SECTION 97.42 (4m) of the statutes is created to read:
12 97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated
13 under sub. (4), the operator of an establishment that is required to be licensed under
14 this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 317 to 319, 416 and
15 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed
16 establishments.

1194, line 13: after that line insert:

235mm B

17 "SECTION 227.14 (1s) of the statutes is created to read:
18 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD
19 CODE. Notwithstanding sub. (1), if the department of agriculture, trade and
20 consumer protection or the department of health and family services prepares a

BILL

1 proposed rule based on the model food code published by the federal food and drug
2 administration, the proposed rule may be in the format of the model food code. "

3 **SECTION 5. Effective dates.** This act takes effect on July 1, 1999, or on the day
4 after publication, whichever is later, except as follows:

5 (1) ^{2g}MEAT AND POULTRY INSPECTION. The treatment of section 97.42 (4) (intro.) and
6 (4m) of the statutes takes effect on January 1, 2000.

7 (2) ^{2h}POTENTIALLY HAZARDOUS FOOD. The treatment of section 97.30 (1) (bm) of the
8 statutes takes effect on January 1, 2001.th

9 (END)

Effective dates

#. page 1606, line 6: after that line insert:



State of Wisconsin
1999 - 2000 LEGISLATURE

SOON

LRBb0897/22
RCT:jlj/wlj/cmh:jf
stays rnr

ARC:.....Anderson - Am # 300, Model food and meat code (provision # 7)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

Note

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1012, line 20: after that line insert:

3 "SECTION 1946m. 97.30 (1) (bm) of the statutes is repealed and recreated to
4 read:

5 97.30 (1) (bm) Except as provided by the department by rule, "potentially
6 hazardous food" means a food that requires temperature control because it is in a
7 form capable of supporting any of the following:

- 8 1. Rapid and progressive growth of infectious or toxigenic microorganisms.
9 2. Growth and toxin production of Clostridium botulinum.
10 3. In raw shell eggs, growth of Salmonella enteritidis.

1 **SECTION 1946n.** 97.42 (4) (intro.) of the statutes is amended to read:

2 97.42 (4) RULES. (intro.) The department shall may issue reasonable rules
3 requiring or prescribing any of the following:

4 **SECTION 1946p.** 97.42 (4m) of the statutes is created to read:

5 97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated
6 under sub. (4), the operator of an establishment that is required to be licensed under
7 this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 317 to 319, 416 and
8 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed
9 establishments.”.

10 **2.** Page 1194, line 13: after that line insert:

11 “**SECTION 2355mm.** 227.14 (1s) of the statutes is created to read:

12 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD
13 CODE. Notwithstanding sub. (1), if the department of agriculture, trade and
14 consumer protection or the department of health and family services prepares a
15 proposed rule based on the model food code published by the federal food and drug
16 administration, the proposed rule may be in the format of the model food code.”.

17 **3.** Page 1606, line 6: after that line insert:

18 “(2g) MEAT AND POULTRY INSPECTION. The treatment of section 97.42 (4) (intro.)
19 and (4m) of the statutes takes effect on January 1, 2000. //”

20 ~~(2h) POTENTIALLY HAZARDOUS FOOD. The treatment of section 97.30 (1) (bm) of~~
21 ~~the statutes takes effect on January 1, 2001.”.~~

22

(END)

60897/2dn
RET

This redraft eliminates^{es} the delayed effective date
for ~~the~~ the changeⁿ in the definition of "hazardous food".

David Schuy of the LFB informed me that DATCP
did not intend to have a delayed effective date

for the change.

RET

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0897/2dn
RCT:jlg/wlj/cmh:mrc

June 25, 1999

This redraft eliminates the delayed effective date for the change in the definition of "hazardous food". David Schug of the LFB informed me that DATCP did not intend to have a delayed effective date for the change.

Rebecca C. Tradewell
Managing Attorney
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E-mail: Becky.Tradewell@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0897/2
RCT:jlj/wlj/cmh:mrc

ARC:.....Anderson - Am # 300, Model food and meat code (provision # 7)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1012, line 20: after that line insert:

3 **“SECTION 1946m.** 97.30 (1) (bm) of the statutes is repealed and recreated to
4 read:

5 97.30 (1) (bm) Except as provided by the department by rule, “potentially
6 hazardous food” means a food that requires temperature control because it is in a
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3 requiring or prescribing any of the following:

4 **SECTION 1946p.** 97.42 (4m) of the statutes is created to read:

5 97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated
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12 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD
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14 consumer protection or the department of health and family services prepares a
15 proposed rule based on the model food code published by the federal food and drug
16 administration, the proposed rule may be in the format of the model food code.”.

17 **3.** Page 1606, line 6: after that line insert:

18 “(2g) MEAT AND POULTRY INSPECTION. The treatment of section 97.42 (4) (intro.)
19 and (4m) of the statutes takes effect on January 1, 2000.”.

20 **(END)**