

2011 DRAFTING REQUEST

Senate Amendment (SA-SB274)

Received: 01/31/2012

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Van Wanggaard (608) 266-1832**

By/Representing: **David Lovell**

May Contact:

Drafter: **mkunkel**

Subject: **Trade Regulation - other**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Wanggaard@legis.wisconsin.gov**

Carbon copy (CC:) to: **David.Lovell@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Definition of bulk plastic merchandise containers

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>
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FE Sent For:

<END>

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/?	mkunkel	1/31/12	1/31/12 ph	X			

FE Sent For:

<END>

Kunkel, Mark

From: Lovell, David
Sent: Monday, January 30, 2012 5:13 PM
To: Kunkel, Mark
Cc: Summerfield, Craig
Subject: FW: SB 274 Amendment

Mark,

As I indicated in my voice message to you, Senator Wangaard is requesting an amendment to SB 274, relating to sales of bulk plastic merchandise containers to scrap dealers. The intent is to expand the definition of "bulk plastic merchandise container" to apply to containers, as described, for all grocery items, not just bottled beverages. The grocers association is OK with this idea, but concerned that bottled beverages not be lost under a new, broader term. For this reason, they request that the amendment revise the definition of "bulk plastic merchandise container" to refer to "grocery items, including retail containers of bottled beverages." (See below.)

Please note that the bill is scheduled for executive action in the Senate Committee on Judiciary, etc., at 11:00 on Wednesday. I believe that Senator Zipperer observes a 24-hour rule on amendments, meaning that Senator Wangaard would need the amendment before 11:00 tomorrow (Tuesday).

Let me know if you have any questions.

David

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

From: Summerfield, Craig
Sent: Monday, January 30, 2012 4:10 PM
To: Lovell, David
Subject: RE: SB 274 Amendment

I've circulated this to different supporters: I'm still waiting to hear back from someone, but every other stakeholder has no problems. Can you help me get something in drafting based on the second option?

From: Lovell, David
Sent: Monday, January 30, 2012 10:58 AM
To: Summerfield, Craig
Subject: RE: SB 274 Amendment

Craig,

Either should work, though I like *the second option* better. I don't think we need to define "grocery item" -- it is a generally understood term, and a definition could unnecessarily limit the application of this law.

My problem with the first option is that it introduces the term "packaged grocery item." While the meaning is probably clear enough without definition, I wonder if it would miss some of the universe you are trying to catch -- for example, if produce were delivered in plastic crates but not individually packaged, those crates would not be

1/31/2012

covered.

David

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

From: Summerfield, Craig
Sent: Monday, January 30, 2012 10:42 AM
To: Lovell, David
Subject: FW: SB 274 Amendment

Thoughts?

From: Kelly McDowell [mailto:kellymcdowell@gmail.com]
Sent: Monday, January 30, 2012 10:27 AM
To: Summerfield, Craig
Subject: RE: SB 274 Amendment

Hi Craig.

Wouldn't it be easier to add the other items to be covered? We like the clarity of the specific reference to "retail containers of bottled beverages." Two options are below. Let me know what you think. Thank you!

Kelly

Plastic bulk merchandise container" means a plastic crate, pallet, or shell used by a product producer, distributor, or retailer for the bulk transport or storage of retail containers of bottled beverages or packaged grocery items.

Plastic bulk merchandise container" means a plastic crate, pallet, or shell used by a product producer, distributor, or retailer for the bulk transport or storage of grocery items, including retail containers of bottled beverages

From: Summerfield, Craig [mailto:Craig.Summerfield@legis.wisconsin.gov]
Sent: Monday, January 30, 2012 10:05 AM
To: Kelly McDowell
Subject: RE: SB 274 Amendment

Is this still your position? If needed, we can probably define grocery items to include bottled beverages.

From: Kelly McDowell [mailto:kellymcdowell@gmail.com]
Sent: Friday, January 27, 2012 6:32 PM
To: Summerfield, Craig
Subject: RE: SB 274 Amendment

Have you considered amending the definition to say retail containers of bottled beverages or packaged bakery items.

I think grocery items, especially since it is not defined would not provide the clarity we are seeking. Conversely, I think it would be tricky to try to define grocery items. I have not heard back from the bottlers, but those would be my initial thoughts.

From: Summerfield, Craig [mailto:Craig.Summerfield@legis.wisconsin.gov]
Sent: Friday, January 27, 2012 5:39 PM
To: Kelly McDowell
Cc: Clark, Lauren
Subject: RE: SB 274 Amendment

Judiciary is Execing on Wednesday, so yeah, Monday would be much appreciated.

Thanks,

Craig

From: Kelly McDowell [mailto:kellymcdowell@gmail.com]
Sent: Friday, January 27, 2012 5:36 PM
To: Summerfield, Craig
Subject: RE: SB 274 Amendment

I am checking. Will let you know, hopefully on Monday. Thanks Craig!

From: Summerfield, Craig [mailto:Craig.Summerfield@legis.wisconsin.gov]
Sent: Friday, January 27, 2012 5:14 PM
To: Kelly McDowell
Cc: Clark, Lauren
Subject: SB 274 Amendment

Kelly,

Would WBA be agreeable to an amendment suggested by Leg. Council to change the definition of "plastic bulk merchandise container" from "...the bulk transport or storage of retail containers of bottled beverages" to "...the bulk transport or storage of retail containers of grocery items."

Grocery is not specifically defined in statute. However, this would allow the inclusion of plastic crates for other groceries besides bottled beverages, such as baked goods used by grocers.

We can talk more Monday.

Thanks,

Craig Summerfield

Committee Clerk - Labor, Public Safety & Urban Affairs

Office of Senator Van H. Wanggaard

Phone: (608) 266-1832



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2217/1
MDK:A:....
jld

O-NOTE

By 10 am

SENATE AMENDMENT,
TO 2011 SENATE BILL 274

1 At the locations indicated, amend the bill[✓] as follows:

2 1. Page 4, line 6: delete lines 6 to 8[✓] and substitute:

3 "134.405 (1) (em) "Plastic bulk merchandise container" means a plastic crate,
4 pallet, or shell used by a product producer, distributor, or retailer for the bulk
5 transport or storage of grocery items, including retail containers of bottled
6 beverages."[✓]

7 2. Page 8, line 20: delete "bulk plastic" and substitute "plastic bulk".[✓]

8 (END)

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

LRBa2217/1dn

MDK: ^:...

date

JLd

Sen. Wanggaard: ✓

In addition to making the change you requested, this amendment also corrects a typo in a reference to plastic bulk merchandise containers. ✓

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

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

LRBa2217/1dn
MDK:jld:ph

January 31, 2012

Sen. Wanggaard:

In addition to making the change you requested, this amendment also corrects a typo in a reference to plastic bulk merchandise containers.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov