

**2011 DRAFTING REQUEST**

**Bill**

Received: 11/10/2011

Received By: btradewe

Wanted: As time permits

Companion to LRB:

For: Legislative Council - JLC 267-9485

By/Representing: Anne Sappenfield

May Contact:

Drafter: btradewe

Subject: Agriculture - other

Adl. Drafters: tkuczens

Extra Copies:

Submit via email: YES

Requester's email: Anne.Sappenfield@legis.wisconsin.gov

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

DATCP remedial legislation

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**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>
/?							
/1	btradewe 11/15/2011	kfollett 11/30/2011	rschluet 12/01/2011	_____	mbarman 12/01/2011		
/2	btradewe 12/02/2011	kfollett 12/02/2011	rschluet 12/02/2011	_____	lparisi 12/02/2011	mbarman 12/22/2011	

FE Sent For:

↳ Not Needed

<END>

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Companion to LRB:

For: **Legislative Council - JLC 267-9485**

By/Representing: **Anne Sappenfield**

May Contact:

Drafter: **btradewe**

Subject: **Agriculture - other**

Addl. Drafters: **tkuczens**

Extra Copies:

Submit via email: **YES**

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DATCP remedial legislation

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See attached

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/1	btradewe 11/15/2011	kfollett 11/30/2011	rschluet 12/01/2011	_____	mbarman 12/01/2011		

FE Sent For:

12/5 f  
12/2  
12/2

<END>

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By/Representing: Anne Sappenfield

May Contact:

Drafter: btradewe

Subject: Agriculture - other

Adl. Drafters: tkuczens

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DATCP remedial legislation

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/?	btradewe	11/10/11 11/30	Compile 11/14 GP	Km 9/1/11			
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FE Sent For:

<END>

**Tradewell, Becky**

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**From:** Sappenfield, Anne  
**Sent:** Thursday, November 03, 2011 1:49 PM  
**To:** Tradewell, Becky; Kuczenski, Tracy  
**Cc:** Rose, Laura; Young, Tracey  
**Subject:** DATCP remedial legislation

Hi Becky and Tracy,

The law revision committee voted this morning to introduce the following LRB drafts as one bill: 0501/P1, 0503/P1, 2929/P1, and 3167/P2.

I have section notes for the draft, but I need to reformat them a little. I assume it's OK if I send them early next week since this week has been so busy.

Thank you! Let me know if you have any questions.  
Anne

*Anne Sappenfield*  
Senior Staff Attorney  
WI Legislative Council  
(608) 267-9485

**Tradewell, Becky**

---

**From:** Sappenfield, Anne  
**Sent:** Thursday, November 10, 2011 4:24 PM  
**To:** Tradewell, Becky; Kuczenski, Tracy  
**Subject:** Law Revision

**Attachments:** datcp lrc notes.doc

Hi Becky and Tracy,

Here are my notes for the DATCP law revision bill.

Let me know if you have any questions.

Thank you!!



datcp lrc notes.doc  
(25 KB)

Anne

**Notes for LRB-0501/P1**

SECTION 1 consolidates a definition and the introduction to the definition because the SECTION contains only one definition.

SECTION 2 modifies the license fee for persons who operate vehicle scales to require a license fee in the amount specified by DATCP by rule. Under current law the fee is \$100, except that DATCP may establish a different fee by rule.

SECTION 3 requires DATCP to promulgate a rule specifying the amount of the license fee for vehicle scale operators.

**√Notes for LRB-0503/P1**

SECTION 1 requires a report for pesticide sales for the year in which a pesticide manufacturer or labeler stops selling pesticides to report gross revenue from October 1 of the year in which the person stopped selling or distributing the pesticide product, instead of October 1 of the year before the year in which they stopped such sales or distributions, to December 31 of the year in which they stopped.

**√Notes for LRB-2929/P1**

SECTION 1 provides that DATCP must keep confidential information that a person is required to provide to DATCP to request an exemption relating to the requirement to register livestock except in the situations provided under the current livestock premises registration law relating to confidentiality of information.

**√Notes for LRB-3167/P2**

SECTION 1 requires a county board to appoint to the county land conservation committee the chairperson of the county farm service agency committee or another member of that committee designated by the chairperson. Current law refers to this person as the chairperson of the county agricultural stabilization and conservation committee. This SECTION modifies the term to conform to current federal law.

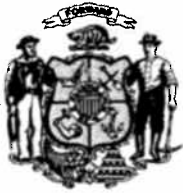
Please compile in this order: 11-2929  
11-3167  
11-0501  
11-0503

Thanks - RCT



COMPONENT DRAFT      ACTION

- 3167/P2      92.06 (1) (b) 2. of the statutes is amended to read:
- 0503/P1      94.681 (6) (a) 2. of the statutes is amended to read:
- 2929/P1      95.51 (5) (a) of the statutes is amended to read:
- 0501/P1      98.16 (1) (intro.) and (b) of the statutes are consolidated, renumbered  
98.16 (1) and amended to read:
- 0501/P1      98.16 (2) (cm) 1. of the statutes is amended to read:
- 0501/P1      98.16 (4) of the statutes is amended to read:



State of Wisconsin  
2011 - 2012 LEGISLATURE

Friday

SOON (m 11/15)



LRB-3464/P1

RCT...:lmp

TKK

IMV

Kjf & jld

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Regen

1 AN ACT *to consolidate, renumber and amend* 98.16 (1) (intro.) and (b); and  
 2 *to amend* 92.06 (1) (b) 2., 94.681 (6) (a) 2., 95.51 (5) (a), 98.16 (2) (cm) 1. and  
 3 98.16 (4) of the statutes; **relating to:** the confidentiality of information related  
 4 to exemptions from the requirement to register livestock premises suggested  
 5 as remedial legislation by the Department of Agriculture, Trade and Consumer  
 6 Protection; membership of county land conservation committees; vehicle scale  
 7 operators Suggested as remedial legislation by the Department of Agriculture,  
 8 Trade and Consumer Protection; changing a reporting requirement for <sup>and</sup>  
 9 pesticide sales (suggested as remedial legislation by the Department of  
 10 Agriculture, Trade and Consumer Protection).

**Analysis by the Legislative Reference Bureau**

**\*\*\* ANALYSIS FROM -2929/P1 \*\*\***

Current law generally requires a person who keeps livestock at premises in this state to register the premises with the Department of Agriculture, Trade and Consumer Protection (DATCP). The law provides that information provided by a person to register livestock premises is confidential, except in limited situations.

Current law also authorizes DATCP to specify exemptions from the requirement to register livestock premises.

This bill provides that information provided by a person to request an exemption from the requirement to register livestock premises is confidential, except in the limited situations specified under the current livestock premises registration law.

**\*\*\* ANALYSIS FROM -3167/P2 \*\*\***

Current law provides for the creation of county land conservation committees to be composed of certain designated members, including members of the county board. Current law also requires the chairperson of the county agricultural stabilization and conservation committee, created under federal law, to serve on the county land conservation committee. Federal law no longer authorizes the creation of county agricultural stabilization and conservation committees but, instead, authorizes the creation of county farm service agency committees. This bill replaces the member who was the chairperson of the county agricultural stabilization and conservation committee with the person who is the chairperson of the county farm service agency committee authorized under federal law.

**\*\*\* ANALYSIS FROM -0501/P1 \*\*\***

Under current law, ~~the Department of Agriculture, Trade and Consumer Protection (DATCP)~~ licenses persons who operate vehicle scales. Current law specifies that the license fee is \$100, except that DATCP may specify a different amount by rule. This bill eliminates the statutory \$100 license fee and provides that DATCP specifies the amount of the fee by rule.

**\*\*\* ANALYSIS FROM -0503/P1 \*\*\***

This bill makes a technical correction related to the requirement for reporting pesticide sales for the year in which a pesticide manufacturer or labeler stops selling pesticides.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

Autoref A  
↓

✓

- 1           **SECTION 1.** 92.06 (1) (b) 2. of the statutes is amended to read:
- 2           92.06 (1) (b) 2. The county board shall appoint to the land conservation
- 3           committee a person who is the chairperson of the county ~~agricultural stabilization~~
- 4           ~~and conservation~~ farm service agency committee created under 16 USC 590h (b) or
- 5           other county ~~agricultural stabilization and conservation~~ farm service agency

1 committee member designated by the chairperson of the county agricultural  
2 ~~stabilization and conservation farm service agency~~ committee.

*Insert*  
*3-2* →

Autoref B ✓

3 SECTION 2. 94.681 (6) (a) 2. of the statutes is amended to read:

4 94.681 (6) (a) 2. By March 31 of the year following the year in which the person  
5 stopped selling or distributing the pesticide product for use in this state, file a report  
6 with the department showing the gross revenue that the person derived from the sale  
7 of the pesticide product for use in this state from October 1 of the year before the year  
8 in which the person stopped selling or distributing the pesticide product to December  
9 31 of the year in which the person stopped selling or distributing the pesticide  
10 product.

*Insert*  
*3-10* →

Autoref C ✓

11 SECTION 3. 95.51 (5) (a) of the statutes is amended to read:

12 95.51 (5) (a) Information that a person is required to provide to the department  
13 under sub. (2) and information that a person is required to provide to the department  
14 to request an exemption under sub. (3m) is not subject to public inspection under s.  
15 19.35. Except as provided in pars. (b) and (c), the department may not disclose  
16 information provided under sub. (2) or provided to request an exemption under sub.  
17 (3m) to any other person or agency.

*Insert*  
*3-17* →

Autoref D ✓

18 SECTION 4. 98.16 (1) (intro.) and (b) of the statutes are consolidated,  
19 renumbered 98.16 (1) and amended to read:

20 98.16 (1) DEFINITIONS. In this section: (b) ~~Vehicle~~ “vehicle scale” means a  
21 commercial scale that is designed to weigh loaded or unloaded highway, farm or  
22 industrial vehicles, except that it does not include a scale that is operated exclusively  
23 by this state.

*Insert*  
*3-23* →

Autoref E ✓

24 SECTION 5. 98.16 (2) (cm) 1. of the statutes is amended to read:

1           98.16 (2) (cm) 1. A license fee. ~~The fee for a license under this subsection is~~  
 2           \$100, ~~except that the department may establish a different fee in the amount~~  
 3           specified by the department by rule promulgated under sub. (4).

*Insert*  
 4-3

*Autore F* ✓  
 SECTION 6. 98.16 (4) of the statutes is amended to read:

5           98.16 (4) RULES. The department shall promulgate rules to regulate the  
 6           construction, operation, testing, and maintenance of vehicle scales, including a rule  
 7           specifying the amount of the fee under sub. (2) (cm) 1. The department may  
 8           promulgate rules to adjust fees and surcharges under subs. (2) (cm) ~~1. and 2.~~ and (2m)  
 9           (a) and (b) and to impose a testing surcharge upon a vehicle scale operator if the  
 10          operator fails to file a vehicle scale test report as required by a rule promulgated by  
 11          the department under this subsection.

*Insert*  
 4-11<sup>2</sup>

(END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3464/lins  
RCT:.....

**Insert 3-2**

*CS* *Autoref A*  
NOTE: SECTION requires a county board to appoint to the county land conservation committee the chairperson of the county farm service agency committee or another member of that committee designated by the chairperson. Current law refers to this person as the chairperson of the county agricultural stabilization and conservation committee. This SECTION modifies the term to conform to current federal law.

**Insert 3-10**

*CS* *Autoref B*  
NOTE: SECTION requires a report for pesticide sales for the year in which a pesticide manufacturer or labeler stops selling pesticides to report gross revenue from October 1 of the year in which the person stopped selling or distributing the pesticide product, instead of October 1 of the year before the year in which they stopped such sales or distributions, to December 31 of the year in which they stopped.

**Insert 3-17**

*CS* *Autoref C*  
NOTE: SECTION provides that DATCP must keep confidential information that a person is required to provide to DATCP to request an exemption relating to the requirement to register livestock except in the situations provided under the current livestock premises registration law relating to confidentiality of information.

**Insert 3-23**

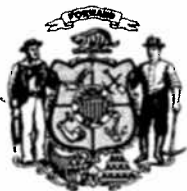
*CS* *Autoref D*  
NOTE: SECTION consolidates a definition and the introduction to the definition because the statute contains only one definition.

**Insert 4-3**

*CS* *Autoref E*  
NOTE: SECTION modifies the license fee for persons who operate vehicle scales to require a license fee in the amount specified by DATCP by rule. Under current law the fee is \$100, except that DATCP may establish a different fee by rule.

**Insert 4-11**

*CS* *Autoref F*  
NOTE: SECTION requires DATCP to promulgate a rule specifying the amount of the license fee for vehicle scale operators.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3464~~2~~ 2  
RCT&TKK:kjf&jld:rs 1/11/11

Munday

2011 BILL

See p. 2 -  
only change  
OK/te

Regen

1 AN ACT *to consolidate, renumber and amend* 98.16 (1) (intro.) and (b); and  
2 *to amend* 92.06 (1) (b) 2., 94.681 (6) (a) 2., 95.51 (5) (a), 98.16 (2) (cm) 1. and  
3 98.16 (4) of the statutes; **relating to:** the confidentiality of information related  
4 to exemptions from the requirement to register livestock premises;  
5 membership of county land conservation committees; vehicle scale operators;  
6 and changing a reporting requirement for pesticide sales (suggested as  
7 remedial legislation by the Department of Agriculture, Trade and Consumer  
8 Protection).

***Analysis by the Legislative Reference Bureau***

Current law generally requires a person who keeps livestock at premises in this state to register the premises with the Department of Agriculture, Trade and Consumer Protection (DATCP). The law provides that information provided by a person to register livestock premises is confidential, except in limited situations. Current law also authorizes DATCP to specify exemptions from the requirement to register livestock premises.

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**BILL**

Current law provides for the creation of county land conservation committees to be composed of certain designated members, including members of the county board. Current law also requires the chairperson of the county agricultural stabilization and conservation committee, created under federal law, to serve on the county land conservation committee. Federal law no longer authorizes the creation of county agricultural stabilization and conservation committees but, instead, authorizes the creation of county farm service agency committees. This bill replaces the member who was the chairperson of the county agricultural stabilization and conservation committee with the person who is the chairperson of the county farm service agency committee authorized under federal law.

Under current law, DATCP licenses persons who operate vehicle scales. Current law specifies that the license fee is \$100, except that DATCP may specify a different amount by rule. This bill eliminates the statutory \$100 license fee and provides that DATCP specifies the amount of the fee by rule.

This bill makes a technical correction related to the requirement for reporting pesticide sales for the year in which a pesticide manufacturer or labeler stops selling pesticides.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

*Insert*  
*2-1* →  
1        **SECTION 1.** 92.06 (1) (b) 2. of the statutes is amended to read:

2        92.06 (1) (b) 2. The county board shall appoint to the land conservation  
3        committee a person who is the chairperson of the county ~~agricultural stabilization~~  
4        ~~and conservation~~ farm service agency committee created under 16 USC 590h (b) or  
5        other county ~~agricultural stabilization and conservation~~ farm service agency  
6        committee member designated by the chairperson of the county ~~agricultural~~  
7        ~~stabilization and conservation~~ farm service agency committee.

NOTE: SECTION 1 requires a county board to appoint to the county land conservation committee the chairperson of the county farm service agency committee or another member of that committee designated by the chairperson. Current law refers to this person as the chairperson of the county agricultural stabilization and conservation committee. This SECTION modifies the term to conform to current federal law.

8        **SECTION 2.** 94.681 (6) (a) 2. of the statutes is amended to read:



**BILL**

1           94.681 (6) (a) 2. By March 31 of the year following the year in which the person  
2 stopped selling or distributing the pesticide product for use in this state, file a report  
3 with the department showing the gross revenue that the person derived from the sale  
4 of the pesticide product for use in this state from October 1 of the year ~~before the year~~  
5 in which the person stopped selling or distributing the pesticide product to December  
6 31 of the year in which the person stopped selling or distributing the pesticide  
7 product.

NOTE: SECTION 2 requires a report for pesticide sales for the year in which a pesticide manufacturer or labeler stops selling pesticides to report gross revenue from October 1 of the year in which the person stopped selling or distributing the pesticide product, instead of October 1 of the year before the year in which they stopped such sales or distributions, to December 31 of the year in which they stopped.

8           **SECTION 3.** 95.51 (5) (a) of the statutes is amended to read:

9           95.51 (5) (a) Information that a person is required to provide to the department  
10 under sub. (2) and information that a person is required to provide to the department  
11 to request an exemption under sub. (3m) is not subject to public inspection under s.  
12 19.35. Except as provided in pars. (b) and (c), the department may not disclose  
13 information provided under sub. (2) or provided to request an exemption under sub.  
14 (3m) to any other person or agency.

NOTE: SECTION 3 provides that DATCP must keep confidential information that a person is required to provide to DATCP to request an exemption relating to the requirement to register livestock except in the situations provided under the current livestock premises registration law relating to confidentiality of information.

15           **SECTION 4.** 98.16 (1) (intro.) and (b) of the statutes are consolidated,  
16 renumbered 98.16 (1) and amended to read:

17           98.16 (1) DEFINITIONS. In this section: ~~(b)~~ “Vehicle “vehicle scale” means a  
18 commercial scale that is designed to weigh loaded or unloaded highway, farm or  
19 industrial vehicles, except that it does not include a scale that is operated exclusively  
20 by this state.

**BILL****SECTION 4**

NOTE: SECTION 4 consolidates a definition and the introduction to the definition because the statute contains only one definition.

1       **SECTION 5.** 98.16 (2) (cm) 1. of the statutes is amended to read:

2       98.16 (2) (cm) 1. A license fee. ~~The fee for a license under this subsection is~~  
3       \$100, ~~except that the department may establish a different fee~~ in the amount  
4       specified by the department by rule promulgated under sub. (4).

NOTE: SECTION 5 modifies the license fee for persons who operate vehicle scales to require a license fee in the amount specified by DATCP by rule. Under current law the fee is \$100, except that DATCP may establish a different fee by rule.

5       **SECTION 6.** 98.16 (4) of the statutes is amended to read:

6       98.16 (4) RULES. The department shall promulgate rules to regulate the  
7       construction, operation, testing, and maintenance of vehicle scales, including a rule  
8       specifying the amount of the fee under sub. (2) (cm) 1. The department may  
9       promulgate rules to adjust fees and surcharges under subs. (2) (cm) ~~1. and 2.~~ and (2m)  
10      (a) and (b) and to impose a testing surcharge upon a vehicle scale operator if the  
11      operator fails to file a vehicle scale test report as required by a rule promulgated by  
12      the department under this subsection.

NOTE: SECTION 6 requires DATCP to promulgate a rule specifying the amount of the license fee for vehicle scale operators.

13

(END)

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3464/2ins  
RCT:.....

Insert ~~1-2~~<sup>2-1</sup>

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Agriculture, Trade and Consumer Protection and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

LRB - 3484/adm  
Ret: KJF

Anne Sappenfield:

I just realized that I forgot to include the preatory  
note. This version adds it.

Ret

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

LRB-3464/2dn  
RCT:kjf:rs

December 2, 2011

Anne Sappenfield:

I just realized that I forgot to include the prefatory note. This version adds it.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)

**Barman, Mike**

---

**From:** Rose, Laura  
**Sent:** Thursday, December 22, 2011 9:34 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3464/2 Topic: DATCP remedial legislation

Please Jacket LRB 11-3464/2 for the SENATE.

Please email to [laura.rose@legis.wisconsin.gov](mailto:laura.rose@legis.wisconsin.gov)

Thanks,

Laura Rose