

2019 DRAFTING REQUEST

Bill

For: André Jacque (608) 266-3512 Drafter: kpaczusk
 By: Bill Secondary Drafters:
 Date: 12/2/2019 May Contact:
 Same as LRB:

Submit via email: YES
 Requester's email: Sen.Jacque@legis.wisconsin.gov
 Carbon copy (CC) to: mary.pfotenhauer@legis.wisconsin.gov
 konrad.paczuski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Duration of rBST affidavit for dairy producers

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 12/2/2019	kmochal 12/3/2019			
/P1			mbarman 12/3/2019		
/1			mbarman 12/3/2019	mbarman 12/3/2019	

FE Sent For:

2
not needed

<END>

Paczuski, Konrad

From: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Sent: Monday, December 02, 2019 2:03 PM
To: Pfothenhauer, Mary <Mary.Pfothenhauer@legis.wisconsin.gov>
Subject: Drafting requests

Good Afternoon Mary,

I wanted to submit to you 3 drafting requests from Senator Jacque.

Here are the first two.

Drafting Request #1 – Senator Jacque would like to have recommendation #48 (on page 35) in the link below drafted as a bill.

Drafting Request #2 – Would you be able to give us a couple of options for ways to address legislatively Recommendation #28?

Thanks. I will send the third request shortly.

Bill

From: Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>
Sent: Sunday, December 1, 2019 11:53 PM
To: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Subject: FW: Please work up some options to address recommendation #28

The document isn't entirely sequential... #28 is explained on the bottom of page 8. We should also put recommendation #48 (on page 35) in for drafting.

From: Jacque, Andre
Sent: Sunday, December 01, 2019 11:47 PM
To: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Subject: Please work up some options to address recommendation #28

<https://datcp.wi.gov/Documents/ApprovedRecommendationsFinal.pdf>

- b) To determine the appropriate enforcement agency to insure consistency across jurisdictions when state level consistency is warranted.
2. That a financial impact study be conducted on each new practice required by a new regulation to ensure financial feasibility for the dairy producer or processor. Where that financial feasibility is limited, a funding source or cost sharing source must be identified to support the implementation of the new practice. We highly recommend the creation of an environmental and clean water “super fund” at the state level in order to provide support for implementation of all environmental and clean water regulations not found to be financially feasible but viable. This should be available to operations of all sizes to insure implementation at all levels.
-

Recommendation #48

Remove the annual requirements for the rBST affidavit

Sub-committee: Regulatory Certainty

Submitted by: David Ward

Problem Statement: Currently dairy cooperatives proprietary handlers and milk contractors must obtain a signed and notarized affidavit every 12 months or less from every producer shipping milk identified as rBST-free. Many dairy cooperatives and processors in Wisconsin now require 100 percent rBST-free milk. The requirement to obtain a signature every year adds cost and record-keeping challenges for the industry.

The legislature was silent in on the duration of the affidavits when it enacted Wis. Stat. 97.25 in 1993 and it is inconsistent with requirements in other states. And, the vast majority of dairy processors require rBST-free milk in their products and the potential to lose a customer has meant the industry is doing a good job of policing itself

Recommended Solution:

Remove the annual requirement for the rBST affidavit under Administrative Rule ATCP 83.02



No change

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 97.25 (3m) of the statutes; **relating to:** using milk producer
2 affidavits to substantiate claims that a dairy product is free of synthetic bovine
3 growth hormone.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Agriculture, Trade and Consumer Protection from promulgating a rule that limits the duration that a signed, sworn, and notarized affidavit from a milk producer may be used to substantiate a claim that a dairy product does not contain synthetic bovine growth hormone.

Current law authorizes DATCP to promulgate rules that allow a dairy product to be labeled as not containing synthetic bovine growth hormone. Using this authority, DATCP has promulgated rules requiring a person who receives raw milk from a milk producer, sells the milk or a dairy product made from the milk, and claims that the milk or dairy product does not contain synthetic bovine growth hormone to substantiate that claim by obtaining each year a signed, sworn, and notarized affidavit from the milk producer certifying that the milk producer does not use synthetic bovine growth hormone in the production of milk shipped to the person.

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

4 **SECTION 1.** 97.25 (3m) of the statutes is created to read:

1 **97.25 (3m) DURATION OF MILK PRODUCER AFFIDAVITS.** (a) In this subsection, “milk
2 producer affidavit” means a written, sworn, and notarized statement signed by a
3 milk producer that certifies to the person receiving the affidavit that the milk
4 producer does not use synthetic bovine growth hormone in the production of milk
5 delivered to the person.

6 (b) The department may not promulgate a rule under sub. (3) that limits the
7 duration that a milk producer affidavit may be used to substantiate a claim that a
8 dairy product contains no synthetic bovine growth hormone or is made from milk
9 produced without the use of synthetic bovine growth hormone.

10

(END)

Barman, Mike

From: LRB.Legal
To: Sen.Jacque
Subject: Draft review: LRB -5012/1
Attachments: 19-5012/1

**State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison**

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Konrad Paczuski, Legislative Attorney, at (608) 504-5814, at Konrad.Paczuski@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Senate.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.