

1991 Assembly Bill 34

Date of enactment: **April 20, 1992**

Date of publication\*: **May 4, 1992**

# 1991 WISCONSIN ACT 201

AN ACT *to repeal* 100.025 (3); and *to create* 95.51 of the statutes, **relating to:** the sale of calves at livestock markets and by livestock dealers, granting rule-making authority and providing an exemption from emergency rule-making procedures.

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

**SECTION 1.** 95.51 of the statutes is created to read:

**95.51 Calf sales.** (1) DEFINITIONS. In this section:

(a) "Calf" means an offspring, weighing 200 pounds or less, of a domestic cow.

(am) "Livestock dealer" means a person licensed as a livestock dealer under s. 95.70 (2).

(b) "Livestock market" has the meaning given in s. 95.70 (1) (b).

(c) "Livestock market operator" means a person licensed as an operator of a livestock market under s. 95.70 (2).

(2) MARKING BY LIVESTOCK MARKET OPERATOR. (a) 1. Except as provided in subd. 2, a livestock market operator shall apply a mark that meets the requirements of the rule promulgated by the department under sub. (4) to each calf sold at the livestock market operated by the livestock market operator. The livestock market operator shall apply the mark at the time of the sale in the presence of the buyer and seller before the calf leaves the ring or pen where the calf is sold.

2. Upon the request of a livestock market operator, the department may approve the application of a mark to a calf at a public location at the livestock market other than the ring or pen where the calf is sold.

(b) A livestock market operator may not offer for sale a calf that was sold in any state other than this state unless before the livestock market operator offers the calf for sale, a mark that meets the requirements of the rule pro-

mulgated by the department under sub. (4) has been applied to the calf.

(3) MARKING BY LIVESTOCK DEALER. (a) A livestock dealer who purchases a calf for resale shall apply a mark that meets the requirements of the rule promulgated by the department under sub. (4) to each calf purchased by the livestock dealer. The livestock dealer shall apply the mark at the time of the purchase in the presence of the seller.

(b) If a calf that was sold in any state other than this state is offered for sale by a livestock dealer in a place other than a livestock market, the livestock dealer shall place a mark on the calf that meets the requirements of the rule promulgated by the department under sub. (4) before offering the calf for sale.

(4) RULES. The department shall promulgate rules specifying the methods and materials for marking calves under subs. (2) and (3). The rules shall specify methods and materials for marking that will ensure that the mark will remain visible for not less than 14 days after application.

**SECTION 2.** 100.025 (3) of the statutes is repealed.

**SECTION 3. Nonstatutory provisions.** (1) CALF MARKING STUDY COMMITTEE. (a) There is created a calf marking study committee consisting of the following members appointed by the secretary of agriculture, trade and consumer protection:

1. Two members who are veal growers.
2. Two members representing livestock markets.
3. Two dairy farmers.
4. Two livestock buyers.

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5. Two veterinarians.

(b) The calf sales study committee shall conduct a study on methods of identifying calves sold at livestock markets or purchased by livestock dealers and shall make recommendations to the department of agriculture, trade and consumer protection on the methods for marking calves that it determines should be specified by the department by rule under section 95.51 (4) of the statutes, as created by this act.

(c) The calf marking study committee shall submit the results of its study and its recommendations to the secretary of agriculture, trade and consumer protection on or before December 1, 1992.

(2) RULES. (a) The department of agriculture, trade and consumer protection shall submit the proposed rules under section 95.51 (4) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than March 1, 1993.

(b) Using the procedure under section 227.24 of the statutes, the department of agriculture, trade and consumer protection shall promulgate rules under section 95.51 (4) of the statutes, as created by this act, for the period prior to the effective date of the rules submitted under paragraph (a). Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating the rules under this paragraph. Notwithstanding section 227.24 (1) (c) of the statutes, the department may not specify an effective date for the rules promulgated under this paragraph that is later than January 1, 1993.

**SECTION 4. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 95.51 (2) and (3) and 100.025 (3) of the statutes takes effect on January 1, 1993.

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