



2007 ASSEMBLY BILL 655

January 3, 2008 - Introduced by Representatives NYGREN, ALBERS, GOTTLIEB, GUNDERSON, KESTELL, LEMAHIEU and VOS, cosponsored by Senator SCHULTZ. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to renumber and amend* 98.04 (2); and *to create* 98.04 (2) (b) and 98.04
2 (3) of the statutes; **relating to:** municipal authority to contract with private
3 parties for weights and measures enforcement and granting rule-making
4 authority.

Analysis by the Legislative Reference Bureau

Under current law, a city or village with a population of more than 5,000 is required to enforce current statutory weights and measures provisions by establishing a municipal department of weights and measures. In lieu of establishing a municipal department of weights and measures, such a city or village may currently contract with the Department of Agriculture, Trade and Consumer Protection (DATCP) to enforce statutory weights and measures provisions, if DATCP agrees to enter into such a contract.

This bill authorizes a city or village with a population of more than 5,000 to contract with a private party to enforce statutory weights and measures provisions. The private party must be bonded and certified by DATCP as qualified to enforce current weights and measures provisions. Under the bill, DATCP must promulgate rules implementing a program for bonding and certifying private parties to enforce weights and measures provisions.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 98.04 (2) of the statutes is renumbered 98.04 (2) (intro.) and
2 amended to read:

3 98.04 **(2)** (intro.) A municipality that is required to establish a department of
4 weights and measures under sub. (1) may ~~contract~~ , instead of establishing its own
5 department, do any of the following:

6 (a) Contract with the department of agriculture, trade, and consumer
7 protection to enforce the provisions of this chapter within the municipality's
8 jurisdiction ~~instead of establishing its own department~~ if the department of
9 agriculture, trade and consumer protection agrees to enter into such a contract. The
10 department of agriculture, trade and consumer protection may charge the
11 municipality fees sufficient to cover the department's costs under the contract. A
12 municipality may recover an amount not to exceed the cost of these fees by assessing
13 fees on the persons who receive services under the weights and measures program.

14 **SECTION 2.** 98.04 (2) (b) of the statutes is created to read:

15 98.04 **(2)** (b) Contract with a private party who has been bonded and certified
16 under sub. (3) to enforce the provisions of this chapter within the municipality's
17 jurisdiction. A municipality may recover an amount not to exceed the municipality's
18 cost of contracting with a private party under this paragraph by assessing fees on the
19 persons who receive services under the weights and measures program.

20 **SECTION 3.** 98.04 (3) of the statutes is created to read:

