

1977 Assembly Bill 458

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CHAPTER 216, Laws of 1977

AN ACT to repeal 15.137 (1) and 95.37 (3); to renumber 95.29, 97.42 (9) and 97.72; to amend 70.423 (1), 95.69 (2), 95.41 (3), 95.42, 97.03 (2) (a), 97.17 (4) and (6), 97.19 (3) (a), 97.42 (9) (title), 98.145 (2) and 98.146 (2); and to create 97.42 (9)

(b) and (c) and 97.72 (2) of the statutes, relating to remedial legislation for the department of agriculture including abolishing the council on locker plants.

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

SECTION 1. 15.137 (1) of the statutes is repealed.

SECTION 2. 70.423 (1) of the statutes is amended to read:

70.423 (1) There is imposed an annual occupational tax on every person, firm or corporation owning one or more colonies of bees of 25 cents for each colony ~~in his possession or under his control.~~ A colony of bees ~~shall consist~~ consists of a live queen or queen cell ~~or cells,~~ brood and adult bees, along with bottom board, cover, and one or more hive bodies with not less than 8 frames of comb. Bees and all bee equipment ~~shall be~~ are exempt from all property taxes, ~~but by March 1 of each year the department of agriculture shall furnish to the state supervisor of assessments a list by counties and taxation districts of the owners of colonies of bees as shown by the records of the department.~~

SECTION 4. 95.29 of the statutes is renumbered 97.45.

SECTION 5. 95.37 (3) of the statutes is repealed.

SECTION 6. 95.69 (2) of the statutes is amended to read:

95.69 (2) Whoever violates s. 95.28 ~~or 95.29~~ may be fined not less than \$500 nor more than \$5,000, or imprisoned not more than 5 years, or both.

SECTION 7. 95.41 (3) of the statutes is amended to read:

95.41 (3) The department ~~shall furnish and distribute Brucella vaccine to approved veterinarians at cost.~~ It shall require each veterinarian to report the identification of each animal treated with the any product so furnished. ~~It may refuse further distribution to any veterinarian who fails to so report or who has violated or failed to obey any law or regulation relating to disease control containing Brucella organisms.~~

SECTION 8. 95.42 of the statutes is amended to read:

95.42 Revocation of permit to test. The tuberculin test ~~shall~~ may be applied to cattle only by veterinarians approved by the department. ~~The, but no~~ veterinarian applying ~~such the~~ test ~~shall~~ may tag and or brand all reactors ~~in conformity with the rules and regulations of~~ except as specifically authorized or directed by the department. Any veterinarian who fails to comply with this section and the rules, ~~regulations~~ and instructions furnished by the department, shall forfeit all right to apply the tuberculin test.

SECTION 9. 97.03 (2) (a) of the statutes is amended to read:

97.03 (2) (a) Packages of fresh fruits and vegetables, the contents of which are plainly visible to the purchaser shall be exempt from ~~labeling requirements~~ a declaration of numerical count and identity under this section if the package contains 6 units or less, except that when the quantity of ~~such the~~ food is customarily expressed in terms of weight or measure, as distinguished from numerical count, the food shall bear a label declaring the quantity.

SECTION 10. 97.17 (4) and (6) of the statutes are amended to read:

97.17 (4) Each application for ~~such a~~ license shall be accompanied by a fee of \$10 ~~\$20~~ payable to the department and no ~~such~~ license shall ~~may~~ be issued until ~~such the~~ fee is paid. In case license is refused, the fee shall be returned by the department to the applicant with notification of refusal.

(6) ~~Such~~ The license shall expire on the first day of January ~~next succeeding its date of~~

the 2nd year commencing after the date of issuance or renewal. Renewal applications shall be submitted on department forms and be accompanied by a biennial license fee of \$20.

SECTION 11. 97.19 (3) (a) of the statutes is amended to read:

97.19 (3) (a) Application for license or renewal of license shall be made in writing, under oath, giving such pertinent information, in such form, as the department ~~shall require~~ requires, accompanied by a fee of ~~\$10, which~~ \$20. The fee shall be retained whether or not license is issued. If the application does not show on its face the requisite qualifications it shall be rejected. If ~~he~~ the applicant appears to be qualified, the examining committee shall determine the fitness of the applicant for new license by oral and written examination and by requiring ~~him~~ the person to demonstrate his or her knowledge, skill and ability; on law, rules and regulations pertaining to the dairy industry of Wisconsin and of the United States, the production of lawful milk and cream, testing milk and cream by the Babcock test and any other practical test for determining the percentage of milk fat or solids, testing for adulteration, the methylene blue and fermentation tests, Wisconsin curd test, acid and rennet tests, and other tests of the fitness of milk for cheese making, propagation and use of cultures, the necessary equipment for Limburger cheese making, including the cellar, the proper handling of the cheese on the shelf during the curing process, and principles of cleanliness and sanitation; knowledge of the complete operation of a cheese factory, including keeping of proper records of milk for patrons, making of proper statements, and keeping of a record of costs of manufacture and yield of cheese, and such other matters as the department shall specify. All licenses shall expire August 31 of the 2nd year commencing after the date of issuance or renewal. Renewal of license shall be granted without examination upon application and payment of a fee of ~~\$10~~ \$20 not less than 30 days before expiration of the license or of previous renewal, and upon application and payment of ~~\$15~~ \$30 within one year after expiration. All others shall be new applications.

SECTION 12. 97.42 (9) (title) of the statutes is amended to read:

97.42 (9) (title) TAGGING OF FACILITIES, EQUIPMENT AND PRODUCT.

SECTION 13. 97.42 (9) of the statutes is renumbered 97.42 (9) (a).

SECTION 14. 97.42 (9) (b) and (c) of the statutes are created to read:

97.42 (9) (b) 1. When in the opinion of the department any carcass, meat or poultry product, meat food product, or supplies or ingredients used in the processing thereof may be unwholesome, adulterated or misbranded, or otherwise fail to meet standards or requirements of this section or rules adopted under this section, the department may tag them with a "Retained" tag to hold them for further inspection, analysis or examination. No carcass, meat or poultry product, meat food product, or supplies or ingredients so tagged may be used, removed from the premises or otherwise disposed of unless released by a department representative. Such products may not be retained for more than 30 days without prior notice to the owner or custodian and the right to an immediate hearing.

2. When in the opinion of the department any carcass, meat or poultry product, or supplies or ingredients used in the processing thereof is unwholesome, adulterated or misbranded, or otherwise fail to meet standards or requirements of this section or rules adopted under this section, the department may tag them with a "Detained" tag to hold them for destruction or other disposition. No carcass, meat or poultry product, meat food product, or supplies or ingredients so tagged may be used, removed from the premises or otherwise disposed of unless released by a department representative. Such products may not be destroyed or detained for more than 30 days without prior notice to the owner or custodian and the right to an immediate hearing.

(c) No person may alter, deface or remove any tag from facilities, equipment, products or supplies to which it has been attached by a department inspector without the express consent or approval of the inspector or other department representative.

SECTION 15. 97.72 of the statutes is renumbered 97.72 (1).

SECTION 16. 97.72 (2) of the statutes is created to read:

97.72 (2) Whoever violates s. 97.45 may be fined not less than \$500 nor more than \$5,000, or imprisoned not more than 5 years, or both.

SECTION 17. 98.145 (2) of the statutes is amended to read:

98.145 (2) No person ~~shall~~ may engage as a tester of milk or cream to determine its value for payment or for the purpose of official inspection or for records of dairy production for the purposes described above unless ~~he~~ the person holds a license issued by the department; but no such license ~~shall be~~ is required of a licensed cheesemaker or buttermaker. ~~Such~~ The license shall expire annually biennially on October 31 of the 2nd year commencing after the date of issuance or renewal. Each application for milk tester license or renewal thereof shall be accompanied by a fee of ~~\$10~~ \$20. Each application shall be made upon forms provided by the department.

SECTION 18. 98.146 (2) of the statutes is amended to read:

98.146 (2) Each application for a license under this section or renewal thereof shall be made on forms provided by the department and shall be accompanied by a fee of ~~\$10~~ \$20. ~~Such~~ The license shall expire annually biennially on September 30 of the 2nd year commencing after the date of issuance or renewal. The applicant shall furnish satisfactory evidence of good moral character and shall give proof of ability to engage in such weighing and sampling to the satisfaction of the department by satisfactorily passing a written examination pertaining to such activities. Any person holding a tester's license under s. 98.145, or who is engaged in weighing and sampling milk in bulk tanks, either as an employe of a purchaser or receiver of milk in bulk tanks, or as the owner of a bulk tank truck and route, on August 21, 1957, shall be licensed under this section without examination if ~~he~~ the person satisfies the department that he or she is qualified for ~~such~~ the license.

SECTION 19. **Applicability.** (1) Section 97.17 (4) and (6) of the statutes, as affected by this act, applies to all licenses issued and renewed on or after January 1, 1978.

(2) Section 97.19 (3) (a) of the statutes, as affected by this act, applies to all licenses issued and renewed on or after August 31, 1978.

(3) Section 98.145 (2) of the statutes, as affected by this act, applies to all licenses issued and renewed on or after October 31, 1978.

(4) Section 98.146 (2) of the statutes, as affected by this act, applies to all licenses issued and renewed on or after September 30, 1978.
