

1969 Senate Bill 529

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### CHAPTER 111, LAWS OF 1969

AN ACT to repeal 15.61, 15.611, 20.133 (1) (g) and 126.05; to amend 15.06 (5), 15.099, 15.131, 98.01 (1), 126.07, 126.10, 126.11, 126.30, 126.34, 126.40, 126.48, 126.51, 126.57 and 126.58; to repeal and recreate chapter 126 (title), 126.01 and 126.06; and to create 20.115 (3) (j), 126.02 to 126.04 and 126.18 (2) of the statutes, relating to abolishing the grain and warehouse commission, transferring its functions to the department of agriculture, and making an appropriation.

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

SECTION 1. 15.06 (5) of the statutes, as affected by chapter , laws of 1969 (Senate Bill 355), is amended to read:

15.06 (5) Every commission shall meet on the call of the chairman or a majority of the its members. Every commission, ~~except the grain and warehouse commission,~~ shall maintain its offices in Madison, but may meet or hold hearings at such other locations as will best serve the citizens of this state.

SECTION 2. 15.099 of the statutes, as affected by chapter , laws of 1969 (Senate Bill 355), is amended to read:

15.099 Sections ~~14.011, 14.311,~~ 14.361, 14.561, 15.101, 15.131, 15.161, 15.191, 15.221, 15.251, 15.281, 15.311, 15.341, 15.371, 15.401, 15.431, 15.461, 15.491, 15.551, 15.581, ~~15.611,~~ 15.641, 15.671, 15.701, 15.731, 15.761, 15.791, 15.851, 15.821, 15.881, 15.911 and 15.941 are intended to set forth the program responsibilities of the several units of the executive branch. No statutory power, duty or function specified elsewhere for a unit shall be deemed impliedly repealed for the sole reason that reference to it has been omitted in these sections.

SECTION 3. 15.131 of the statutes, as affected by chapter , laws of 1969 (Senate Bill 355), is amended to read:

15.131 The department of agriculture shall have the program responsibilities specified for the department under title XII, *ch. 126* and ss. 14.06, 26.30 (2), 27.015, 29.29 (4), 29.60 (5) (c), 37.30, 59.871, 61.72, 66.075, 68.07, 70.425, 133.25, 174.07, 174.08 and 174.11.

SECTION 4. 15.61 and 15.611 of the statutes are repealed.

SECTION 5. 20.115 (3) (j) of the statutes is created to read:

20.115 (3) (j) *Grain regulation.* Ninety-eight percent of all moneys received under *ch. 126*, but any unencumbered balance in excess of \$200,000 as of June 30 of any year shall revert to the general fund.

SECTION 6. 20.133 (1) (g) of the statutes is repealed.

SECTION 7. 98.01 (1) of the statutes is amended to read:

98.01 (1) "Weights and measures" means weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories used with any or all such instruments and devices, except meters for the measurement of electricity, gas (natural and manufactured) or water when the same are operated in a public utility system, ~~and scales under the control of the grain and warehouse commission.~~

SECTION 8. Chapter 126 (title) of the statutes is repealed and recreated to read:

CHAPTER 126.

GRAIN WAREHOUSES.

SECTION 9. 126.01 of the statutes, as affected by chapter , laws of 1969 (Senate Bill 355), is repealed and recreated to read:

126.01 DEFINITIONS. In this chapter:

- (1) "Department" means the department of agriculture.
- (2) "Secretary" means the secretary of agriculture.
- (3) "Board" means the board of agriculture.

(4) "Public warehouses" means all commercial grain warehouses in Superior and all warehouses in said city in which the grain of different owners is so stored that the identity of different lots cannot be accurately preserved, and all warehouses in said city which issue warehouse receipts for grain.

(5) "Warehouse" includes grain elevators.

(6) "Grain" includes flaxseed and soybean.

SECTION 10. 126.025, 126.035 and 126.045 of the statutes are created to read:

126.025 ADMINISTRATION. This chapter shall be administered by the department of agriculture subject to ch. 93.

126.035 POWERS AND DUTIES OF THE DEPARTMENT. (1) WEIGH GRAIN. All grain received in Superior and all grain and grain products received in or shipped from public warehouses shall come under the supervision of the department and at least 33% shall be weighed under the supervision of the department.

(2) GRADE GRAIN. The department shall inspect and grade, upon request, grain grown in this state and any other grain which is received for milling or is bought or sold in Superior; and shall inspect and grade upon request grain received for storage in or shipped from public warehouses.

(3) ANALYSES. The department may make analyses upon request, of any grain or cereal products which are offered for its inspection.

(4) RULES. The department shall adopt and publish rules governing inspection, weighing and grading of grain delivered to or shipped from public warehouses; and such further rules as will enable it to administer this chapter.

126.045 HEARINGS; APPEALS. (1) Any person aggrieved by the decision of an inspector or other determination of the department may, within 5 days thereafter, make application for a hearing under s. 93.18. The application shall set forth in detail the nature of the decision appealed from and all reasons why such decision or other determination is unjust or unreasonable. Upon investigation and consideration of the complaint, the department may either grant or deny the request for a hearing according to whether or not reasonable grounds exist. If granted, hearing shall be conducted within a reasonable time under s. 93.18.

(2) Section 93.06 (7) shall apply to the issuance, suspension or revocation of licenses.

SECTION 11. 126.05 of the statutes, as affected by chapter , laws of 1969 (Senate Bill 355), is repealed.

SECTION 12. 126.06 of the statutes is repealed and recreated to read:

126.06 FEES TO DEFRAY EXPENSES. The department shall fix the rates of charges for weighing, inspection and other services performed so as to finance the expenses incurred in the administration of this chapter.

All charges shall be paid by the warehouseman, and may be added to the charge for storage.

SECTION 13. 126.07 of the statutes is amended to read:

126.07 Every public warehouseman shall, before transacting business, procure a license from the ~~commission~~ department. Such license shall be issued upon a written application which shall set forth the location and name of the warehouse and the name of each person interested as owner or principal in the management of the same; or if the warehouse is owned or managed by a corporation, the name of the president, secretary and treasurer of the corporation. Such license may be revoked by the ~~commission in summary proceedings upon a written complaint setting forth the particular violation of the law and upon satisfactory proof taken in such manner and upon such notice as the commission directs.~~

SECTION 14. 126.10 of the statutes is amended to read:

126.10 GRAIN STORED; MIXING. While he has sufficient room, every public warehouseman shall receive for storage without discrimination all grain suitable for warehousing, that is tendered in the manner in which warehouses are accustomed to receive grain. Such grain shall be inspected and graded and may be stored with grain of similar grade. Grain of different grades shall not be mixed in storage. If the owner or consignee so requests and the warehouseman consents, his grain of the same grade may be kept in a separate bin marked "special bin.". A warehouse receipt issued for grain so kept in separate bins shall so state, and shall state the number of the bin; and all "special bin" grain delivered from the warehouse shall be inspected on its delivery. The charges for inspection upon receipt and delivery shall be paid by the warehouseman, and may be added to the charge for storage.

SECTION 15. 126.11 of the statutes is amended to read:

126.11 Upon application of the owner or consignee of grain in public warehouses, accompanied with evidence that all transportation and other charges which were a lien upon such grain have been paid, the warehouseman shall give him a receipt, bearing the date of the receipt of the grain, and stating the quantity and grade of the grain as fixed by the inspection, and that the grain has been received to be stored with grain of the same grade, and is deliverable upon the return of the receipt properly indorsed and the payment of the storage charges. The receipts of any warehouse shall be consecutively numbered throughout the calendar year. In case a receipt is lost or destroyed, a duplicate receipt may be issued which shall bear the same date and number as the original, and shall have plainly stamped across its face the word "duplicate". Each receipt shall state, if the grain is received from a car, the number of the car and the amount it contained; if from a vessel, the name of the vessel, and the amount it contained; if by other means, the amount received and the manner of its receipt.

SECTION 16. 126.18 (2) of the statutes is created to read:

126.18 (2) If any person deems any charge unreasonable he may file with the department a complaint, stating the ground upon which he claims the charge is unreasonable, whereupon the department within a reasonable time shall set a date and place for a hearing pursuant to s. 93.18. The department may by special order increase or decrease the charge if upon such hearing it finds the charge unreasonable in any respect.

SECTION 17. 126.30 of the statutes is amended to read:

126.30 Upon written complaint to the ~~commission~~ department, supported by satisfactory proof, that the chief an inspector or any deputy has violated any of the rules prescribed for his government or has been guilty of any improper official act or has been found inefficient or incompetent, the ~~commission~~ department shall immediately remove him from office.

SECTION 18. 126.34 of the statutes is amended to read:

126.34 DECISION OF INSPECTOR OR WEIGHER FINAL IF UN-APPEALED. The decision of the inspector *or weigher* as to the grade *or weight* of grain *respectively* shall be final and binding on all parties unless an appeal is taken from such decision.

SECTION 19. 126.40 of the statutes is amended to read:

126.40 SUPERVISION BY DEPARTMENT. The ~~commission~~ *department* shall exercise ~~constant~~ supervision over housing and marketing grain in every city in which a public warehouse is located; over handling, inspecting, weighing and storing the same; and over the management of the public warehouses. The ~~commission~~ *department* shall investigate all complaints of fraud or oppression in the grain trade and in the handling and housing of grain in such cities, and, at least 3 times annually, shall verify by measurement the amount of grain in each public warehouse.

SECTION 20. 126.48 of the statutes is amended to read:

126.48 (1) The ~~chief department~~ inspector shall give, under his hand and the seal of the state, a certificate of the grade of the grain inspected, the date, the kind of grain, the name or initial and number of the car or boat from or into which the same was inspected, which certificate is prima facie evidence of the facts therein contained.

(2) The ~~chief department~~ inspector may issue certificates under his hand and the seal of the state, showing in detail the results of ~~the chief chemist's~~ *any* analyses, ~~who~~ *and* shall keep a correct record in detail of all samples of grain and cereal products ~~and the analyses thereof,~~ *analyzed* which certificates are prima facie evidence of the facts therein contained.

(3) The ~~chief department~~ inspector may issue under his hand and the seal of the state a sanitation certificate of the condition of all holds and compartments of a vessel examined and found to be free of live weevil or insects injurious to stored grain and free of objectionable odors, the date and time, the name of the vessel examined and the signature of the examiner. Such certificate is prima facie evidence of the facts therein contained.

SECTION 21. 126.51 of the statutes is amended to read:

126.51 Any person, other than ~~the chief inspector or his deputies, the chief weighmaster or his deputies~~ *a department inspector*, or a regular employe of the railroad company or warehouseman, in charge of grain or cars, who tampers with or breaks any seals placed upon cars of grain shall be fined not more than \$100 or imprisoned not more than 90 days.

SECTION 22. 126.57 of the statutes is amended to read:

126.57 In all sales of grain to be delivered in Superior or where the purchase price is to be determined by weighing the grain in Superior or where delivery or weighing is contemplated or afterwards takes place there, the sales shall be deemed to have been made in said city within the provisions of this chapter ~~and the grain shall be inspected and weighed under this chapter.~~

SECTION 23. 126.58 of the statutes is amended to read:

126.58 All grain delivered from any warehouse to cars or boats in Superior, is presumed to have been delivered upon, or in fulfillment, in whole or in part, of a contract for the sale thereof and ~~shall~~ *may* be weighed and inspected under this chapter at the time of delivery. But this section does not apply to the use of boats for storage out of navigation season, ~~provided the grain is afterwards returned to the warehouse for inspection and weighing.~~

SECTION 24. TRANSITIONAL PROVISION. On July 1, 1969, all of the functions and properties of the grain and warehouse commission shall be transferred to the department of agriculture, and all matters pending be-

fore the commission shall be completed by the department. All outstanding orders, rules and regulations promulgated by the grain and warehouse commission shall continue in effect except insofar as the same may be rescinded, altered or amended by the department. All licenses, certificates or other documents issued by the grain and warehouse commission shall continue in effect, subject to such termination or revocation as provided by law. Upon passage and publication of this act the grain and warehouse commission, the department of agriculture, and other state agencies concerned, shall cooperate so that the transfers provided by this act will be efficiently and effectively completed on July 1, 1969.

SECTION 25. Wherever "grain and warehouse commission" or "commission" appears in chapter 126 of the statutes, the terms "department of agriculture" or "department", as appears appropriate, are substituted.

SECTION 26. All nonlapsed unencumbered balances in section 20.133 (1) (g) of the statutes, as affected by chapter , laws of 1969 (Senate Bill 95) are transferred to the appropriation under section 20.115 (3) (j), as of July 1, 1969. All outstanding liabilities of the commission shall become obligations of the department of agriculture as of July 1, 1969.

SECTION 27. On July 1, 1969:

(a) The terms of the 3 members of the grain and warehouse commission shall expire.

(b) All records of the commission shall be transferred to the department of agriculture.

(c) All furniture, equipment and supplies of the commission shall be transferred to the department of agriculture.

(d) All administrative matters pending before the grain and warehouse commission shall be completed by the department of agriculture.

(e) All legal issues pending before or prosecuted by the grain and warehouse commission shall be completed by the department of justice.

Item Veto { Section 28. On passage and publication of this act, if Senate Bill 95 or any successor measure thereto has not been enacted, then Sections 24, 25, 29, 42, 282, 283, 307 and 382 (1) of said bill or successor measure are hereby deleted. If on said date Senate Bill 95 or successor measure has been enacted, then said Sections and their substance are hereby repealed.  
Approved July 10, 1969.

