

**1999 DRAFTING REQUEST**

**Bill**

Received: <b>09/8/98</b>	Received By: <b>gibsom</b>
Wanted: <b>Soon</b>	Identical to LRB:
For: <b>Administration-Budget</b>	By/Representing: <b>Justus</b>
This file may be shown to any legislator: <b>NO</b>	Drafter: <b>gibsom</b>
May Contact:	Alt. Drafters:
Subject: <b>Trade Regulation</b>	Extra Copies: <b>RCT</b>

**Topic:**

DOA:.....Justus - Weights and measures changes

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gibsom 09/16/98	gilfokm 11/17/98	jfrantze 11/20/98	_____	lrb_docadmin 11/20/98		
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/2	gibsom 12/10/98	ygeller 12/10/98	jfrantze 12/11/98	_____	lrb_docadmin 12/11/98		S&L
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*14 3/2 jlg*      *2/2*      *2/2*

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**1. WEIGHTS AND MEASURES PROGRAM (DIN #5400)**

**EXPLANATION:**

The department proposes to strengthen and provide adequate funding for its weights and measures program. Among other things, the department proposes fee changes and reallocations to support weights and measures inspections in areas with low compliance. The department also proposes law changes to require weights and measures programs in municipalities and towns with populations over 7,000. (Current law requires programs only in municipalities with populations over 5,000.) Municipalities and towns may contract with the department to provide weights and measures inspection services. For a full discussion of the proposed changes, see the department's issue paper (DIN #5400).

**STATUTORY CHANGES:**

SECTION \_\_\_\_ . 20.115(1)(j) of the statutes is amended to read:

20.115(1)(j) Weights and measures inspection. The amounts in the schedule for weights and measures inspection, testing and enforcement under ch. 98. All moneys received under ss. 93.06(1p), 94.64(4)(a)6., 94.72(6)(a)3., 97.30(3)(am), 98.04(2), 98.05(5), 98.16, 98.18 and 98.245(7) shall be credited to this appropriation.

SECTION \_\_\_\_ . 25.465(8) of the statutes is amended to read:

25.465(8) The fees collected under s. 94.72(5)(b) and, (6)(a)1. and 2. and (6)(i).

SECTION \_\_\_\_ . 94.64(4)(a)1. of the statutes is amended to read:

94.64(4)(a)1. A basic fee of 25 cents per ton for fertilizer sold or distributed from July 1, 1997, to June 30, 1999, and ~~32~~ 31 cents per ton for fertilizer sold or distributed after June 30, 1999, with a minimum fee of \$25. RCT

SECTION \_\_\_\_ . 94.64(4)(a)6. of the statutes is created to read: RCT

94.64(4)(a)6. A weights and measures inspection fee of 1 cent per ton, with a minimum fee of \$1. RCT

SECTION \_\_\_\_ . 94.64(4)(c)6. of the statutes is created to read:



94.64(4)(c)6. The department shall credit the weights and measures inspection fee under par. (a)6. to the appropriation account under s. 20.115(1)(j). □ RET

SECTION \_\_\_\_ . 94.72(6)(a) of the statutes is repealed and recreated to read:

94.72(6)(a) Fee amounts. Except as otherwise provided in this subsection, a person required to be licensed under sub. (5) shall pay the following annual inspection fees on all commercial feeds distributed in this state:

1. For commercial feeds distributed in this state during the year that begins on January 1, 1999, a feed inspection fee of 15 cents per ton.
2. For commercial feeds distributed in this state on or after January 1, 2000, a feed inspection fee of 24 cents per ton.
3. For commercial feeds distributed in this state on or after January 1, 2000, a weights and measures inspection fee of one cent per ton.

SECTION \_\_\_\_ . 98.04(title) and (1) of the statutes are amended to read:

98.04(title) MUNICIPALITIES AND TOWNS. (1) ~~Each~~ Except as provided in sub. (2), every municipality and town having a population of more than ~~5,000~~ 7,000 according to the ~~latest~~ <sup>most recent</sup> federal census population estimate prepared by the state of Wisconsin department of administration under s. 16.96 shall enforce the provisions of this chapter within its jurisdiction. For this purpose it shall establish a municipal or town department of weights and measures. Each municipal and town department of weights and measures shall have such number of qualified sealers or inspectors as will ensure compliance with this chapter. Municipal and town sealers or inspectors shall have the same authority as sealers or inspectors of the department. The selection of municipal and town sealers or inspectors shall be from a list of applicants whose qualifications have been certified by the state or local civil service agency under the rules of the agency. ~~Such~~ The municipality or town shall procure and keep at all times a complete set of standards, and ~~such~~ shall submit the standards shall be submitted for certification at regular intervals as required by the department. Municipalities and towns may enact ~~ordinances regulating~~ weights and measures ordinances not in conflict with this chapter or rules of the department and may assess fees which do not exceed the actual cost of the municipal or town weights and measures program.

SECTION \_\_\_\_ . 98.04(2) of the statutes is repealed and recreated to read:

(2) The department may contract with a municipality or town to enforce this chapter in that municipality or town. A municipality or town that contracts with the department is not required to establish its own department of weights and measures under sub. (1). The department may charge a fee to cover its costs under the contract.

SECTION \_\_\_\_ . 98.16(2)(b) of the statutes, as repealed and recreated by 1997 Wis. Act 27 effective July 1, 1999, is amended to read:

98.16(2)(b) The fee for a license under par. (a) is ~~\$30~~ \$60, except that the department may establish a different fee by rule.

SECTION \_\_\_\_ . 98.245(7) of the statutes is repealed and recreated to read:

98.245(7) METERS; LICENSING, TESTING AND FEES. (a) Annual license required. No person may operate a meter to measure liquified petroleum gas for sale or delivery in liquid form and by liquid measure unless that person holds an annual license from the department for that meter. A separate license is required for each meter. A license expires on July 31 of each year. A license is not transferable between persons or meters.

(b) License application. A person applying for an annual license under par. (a) shall apply on a form provided by the department. The application shall include the fees required under par. (c). The department may not issue or renew a license unless the applicant pays all the fees required under par. (c) as set forth in a statement issued by the department. The department shall refund a fee paid under protest if the department determines that the fee was not required under par. (c).

(c) License fees. A person applying for an annual license under par. (a) shall pay the all of the following fees:

1. An annual fee of \$25 per meter unless the department establishes a different fee by rule.

2. A license fee surcharge of \$200 per meter if the department determines that, within 365 days prior to submitting the license application for that meter, the applicant operated that meter without a license in violation of par. (a). Payment of the surcharge does not relieve the applicant of any other penalty or liability that may result from the violation, but does not constitute evidence of a violation.

(d) Testing meters. 1. A person operating a meter under par. (a) shall have the meter inspected and tested annually by an independent meter servicing company that is licensed by the department under s. 98.18. The meter servicing company shall inspect and test the meter for accuracy according to specifications, tolerances, standards and procedures which the department establishes by rule.

2. Within 15 days after a meter servicing company inspects and tests a meter under subd. 1., the meter servicing company shall report the inspection and test results to the department in writing. If the meter servicing company fails to file the required report, the department may assess the meter servicing company a fee of up to \$100 and may suspend or revoke that company's license under s. 98.18.

3. If the department determines that meter has not been inspected and tested under subd. 1 within the last year, the department shall issue a written notice to the operator of that meter. Within 30 days after the operator receives the department's notice, the operator shall have the meter inspected and tested under subd. 1. If the

operator fails to do so, the department may assess the operator a fee of up to \$100 and may suspend or revoke the operator's license for that meter.

**2. CONSUMER PROTECTION INVESTIGATION  
AND INFORMATION (DIN #5410)**

**EXPLANATION:**

DATCP proposes to add funding for consumer protection by assessing persons who violate consumer protection laws.

Under current law, a court in a consumer protection or unfair trade practice case may order a defendant to reimburse the state's investigation and prosecution costs. Under current law, all of these payments must be deposited to the general fund, except that 10% of the payment goes to the Department of Justice. Under current law, none of the payment goes to DATCP even if DATCP incurred the investigative costs. Nor does any of the payment go to a county even if the county district attorney (rather than DOJ) prosecuted the case. This legislation modifies current law so that:

- Ten percent of the total reimbursement award (investigation and prosecution costs) goes to DATCP.
- Ten percent of the total reimbursement award (investigation and prosecution costs) goes to DOJ, regardless of whether DOJ prosecuted the case.
- Ten percent of the total reimbursement award (investigation and prosecution costs) goes to the county if a county district attorney prosecuted the case.
- The court's authority to award investigation and prosecution costs is expanded to include weights and measures cases under ch. 98, Stats. (Current law applies only to consumer protection and unfair trade practice cases under ch. 100, Stats.)

This legislation also requires a court to add, to any fine or forfeiture imposed in a consumer protection, unfair trade practice, or weights and measures case under ch. 98 or 100, Stats., a surcharge equal to 15% of the fine or forfeiture. The defendant must pay the surcharge to DATCP, to fund consumer information and education. For a full discussion of the proposal, see the department's issue paper (DIN #5410).

**STATUTORY LANGUAGE:**

SECTION \_\_\_\_ . 20.115(1)(ja) and (jb) of the statutes are created to read:

20.115(1)(ja) Enforcement costs. The amounts in the schedule for consumer protection investigation and enforcement. The department shall credit to this appropriation account all amounts which the department receives under s. 93.20 or



State of Wisconsin  
1999 - 19100 LEGISLATURE

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on subsequent pages

WPO:

LRB-0061/P1

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D-Note

Soon

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DOA-Bud

1 AN ACT <sup>Don't GenLat</sup> ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. 20.115 (1) (j) of the statutes is amended to read:

3 20.115 (1) (j) *Weights and measures inspection.* The amounts in the schedule  
4 for weights and measures inspection, testing and enforcement under ch. 98. All  
5 moneys received under ss. 93.06 (1p), 94.64 (4) (a) 6., 94.72 (6) (a) 3., 97.30 (3) (am),  
6 98.04 (2), 98.05 (5), 98.16, 98.18 and 98.245 (7) shall be credited to this appropriation.

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 84, 120, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264.

7 SECTION 2. 25.465 (8) of the statutes is amended to read:

8 25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) 1. and 2. and (i).

History: 1991 a. 39, 112; 1993 a. 16; 1995 a. 27; 1997 a. 27.

9 SECTION 3. 94.64 (4) (a) 1. of the statutes is amended to read:

1           94.64 (4) (a) 1. A basic fee of 25 cents per ton for fertilizer sold or distributed  
 2           from July 1, 1997, to June 30, 1999, and ~~32~~ 31 cents per ton for fertilizer sold or  
 3           distributed after June 30, 1999, with a minimum fee of \$25.

**History:** 1977 c. 418; 1981 c. 57; 1983 a. 189 ss. 121, 329 (20); 1983 a. 410; 1985 a. 147; 1987 a. 398; 1989 a. 31; 1991 a. 39, 112; 1993 a. 16, 417, 492; 1995 a. 4, 176, 227; 1997 a. 27.

4           **SECTION 4.** 94.64 (4) (a) 6. of the statutes is created to read:

5           94.64 (4) (a) 6. A weights and measures inspection fee of <sup>✓</sup>1 cent per ton, with  
 6           a minimum fee of \$1.

7           **SECTION 5.** 94.64 (4) (c) 6. of the statutes is created to read:

8           94.64 (4) (c) 6. The department shall credit the fee under par. (a) <sup>✓</sup>6. to the  
 9           appropriation account under s. 20.115 (1) (j).<sup>✓</sup>

10          **SECTION 6.** 94.72 (6) (a) 1. of the statutes is amended to read:

11          94.72 (6) (a) 1. For commercial feeds distributed in this state during the years  
 12          ~~that begin on January 1, 1998, and year that begins~~ on January 1, 1999, a feed  
 13          inspection fee of 15 cents per ton.

**History:** 1975 c. 39, 198, 199; 1977 c. 29 s. 1650m (4); 1979 c. 34; 1983 a. 189; 1985 a. 138; 1991 a. 39, 112; 1995 a. 4; 1997 a. 27, 253.

14          **SECTION 7.** 94.72 (6) (a) 2. of the statutes is amended to read:

15          94.72 (6) (a) 2. For commercial feeds distributed in this state on or after  
 16          January 1, 2000, a feed inspection fee of 25 cents per ton.

**History:** 1975 c. 39, 198, 199; 1977 c. 29 s. 1650m (4); 1979 c. 34; 1983 a. 189; 1985 a. 138; 1991 a. 39, 112; 1995 a. 4; 1997 a. 27, 253.

17          **SECTION 8.** 94.72 (6) (a) 3. of the statutes is created to read:

18          94.72 (6) (a) 3. For commercial feeds distributed in this state on or after  
 19          January 1, 200<sup>0</sup>, a weights and measures inspection fee of ~~25~~ cent per ton. <sup>1</sup>

20          **SECTION 9.** 97.30 (3m) (a) 3. of the statutes is amended to read:

21          97.30 (3m) (a) 3. An annual weights and measures inspection fee of \$45, except  
 22          that this fee does not apply to a retail food establishment that is located in a  
 23          municipality or town that has established a municipal department of weights and

1 measures under s. 98.04 (1) ~~or that recovers fees from the retail food establishment~~  
2 ~~under s. 98.04 (2)~~ for the purpose of enforcement of the provisions of ch. 98.

3 *History:* 1987 a. 399; 1989 a. 174; 1991 a. 39, 210; 1993 a. 16, 27, 264, 491; 1995 a. 27 ss. 3599, 9126 (19); 1997 a. 27.

3 **SECTION 10.** 97.30 (3m) (b) 3. of the statutes is amended to read:

4 97.30 (3m) (b) 3. An annual weights and measures inspection fee of \$100,  
5 except that this fee does not apply to a retail food establishment that is located in a  
6 municipality or town that has established a ~~municipal~~ department of weights and  
7 measures under s. 98.04 (1) ~~or that recovers fees from the retail food establishment~~  
8 ~~under s. 98.04 (2)~~ for the purpose of enforcement of the provisions of ch. 98.

9 *History:* 1987 a. 399; 1989 a. 174; 1991 a. 39, 210; 1993 a. 16, 27, 264, 491; 1995 a. 27 ss. 3599, 9126 (19); 1997 a. 27.

9 **SECTION 11.** 97.30 (3m) (c) 3. of the statutes is amended to read:

10 97.30 (3m) (c) 3. An annual weights and measures inspection fee of \$25, except  
11 that this fee does not apply to a retail food establishment that is located in a  
12 municipality or town that has established a ~~municipal~~ department of weights and  
13 measures under s. 98.04 (1) ~~or that recovers fees from the retail food establishment~~  
14 ~~under s. 98.04 (2)~~ for the purpose of enforcement of the provisions of ch. 98.

15 *History:* 1987 a. 399; 1989 a. 174; 1991 a. 39, 210; 1993 a. 16, 27, 264, 491; 1995 a. 27 ss. 3599, 9126 (19); 1997 a. 27.

15 **SECTION 12.** 98.04 (title) of the statutes is amended to read:

16 <sup>check space</sup>  
16 **98.04 (title) Municipalities and towns.**

17 *History:* 1983 a. 230; 1997 a. 27.

17 **SECTION 13.** 98.04 (1) of the statutes is amended to read:

18 98.04 (1) Each Except as provided in sub. (2), a municipality having a  
19 population of more than 5,000, according to the latest federal census, or a town shall  
20 enforce the provisions of this chapter within its jurisdiction if the municipality or  
21 town has a population of more than 7,000 according to the most recent population  
estimate made by the department of administration under 16.96. For this purpose  
it such a municipality or town shall establish a ~~municipal~~ department of weights and

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*plain space*

1 measures. Each ~~municipal~~ department of weights and measures shall have such  
 2 number of qualified sealers or inspectors as will ensure compliance with this chapter.  
 3 ~~Municipal~~ These sealers or inspectors shall have the same authority as sealers or  
 4 inspectors of the department. The selection of ~~municipal~~ these sealers or inspectors  
 5 shall be from a list of applicants whose qualifications have been certified by the state  
 6 or local civil service agency under the rules of the agency. ~~Such~~ The municipality or  
 7 town shall procure and keep at all times a complete set of standards of weight and  
 8 measure conforming to the state standards, ~~and such standards shall be submitted~~  
 9 ~~and shall submit the standards~~ for certification at regular intervals as required by  
 10 the department. ~~It~~ The municipality or town shall keep a complete record of its work  
 11 and annually shall file a report thereof with the department. ~~Municipalities~~ The  
 12 municipality or town may enact ordinances ~~regulating~~ that regulate weights and  
 13 measures ~~and that are~~ not in conflict with this chapter or the rules of the department  
 14 and. The municipality or town may assess fees ~~which~~ that do not exceed the actual  
 15 cost of ~~the municipal~~ its weights and measures program.

*the municipality's or towns*

History: 1983 a. 230; 1997 a. 27.

16 **SECTION 14.** 98.04 (2) of the statutes is repealed and recreated to read:

17 98.04 (2) If a municipality or town is required to establish a department of  
 18 weights and measures under sub. (1), the municipality or town may contract with the  
 19 department to enforce the provisions of this chapter within ~~its~~ jurisdiction instead of  
 20 establishing its own department. The department may charge the municipality or  
 21 town a fee to cover ~~its~~ costs under the contract.

*the department's*

*(section 2552f)*

22 **SECTION 15.** 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27,

23 is amended to read:



1 98.16 (2) (b) The fee for a license under par. (a) is \$30 \$60, except that the  
2 department may establish a different fee by rule.

NOTE: NOTE: Par. (b) is repealed and recreated eff. 7-1-99 by 1997 Wis. Act 27 to read: NOTE:

3 (b) The fee for a license under par. (a) is \$30, except that the department may establish a different fee by rule.

History: 1993 a. 16; 1997 a. 27.

4 SECTION 16. 98.245 (7) (title) and (a) of the statutes are repealed and recreated

5 to read:

6 98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this <sup>sub</sup> section "meter  
7 servicer" means a person licensed under s. 98.18 to inspect and test meters that are  
8 used to measure liquefied petroleum gas that is sold or delivered in a liquid form and  
9 by liquid measure.

10 SECTION 17. 98.245 (7) (ag) and (ar) of the statutes are created to read:

11 ~~Insert~~ <sup>ag</sup> 98.245 (7) (B) (1) ← INS  
A

12 SECTION 18. 98.245 (7) (b) 1. of the statutes is repealed and recreated to read: <sup>ag</sup>

13 98.245 (7) (b) 1. A person who is required to hold a license under par. (a) for a  
14 meter shall have that meter inspected and tested annually by a meter servicer. The  
15 meter servicer shall inspect and test the meter for accuracy according to the  
16 standards, specifications, tolerance and procedures that the department establishes  
17 by rule.

18 SECTION 19. 98.245 (7) (b) 2. of the statutes is amended to read:

19 98.245 (7) (b) 2. Within 15 days after a meter servicer inspects and tests a  
20 meter under subd. 1. the meter servicing company servicer shall file with report the  
21 results to the department a report, for each meter, containing the results of the  
22 testing under subd. 1. within 30 days after completing the testing in writing. If the  
23 meter servicer fails to file the report within the 15 days, the department may assess

*Strike space*  
*plain*  
*score*  
*plain*

*Plain*

1 the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's  
2 license issued under s. 98.18.

3 SECTION 20. 98.245 (7) (b) 3. and 4. of the statutes are consolidated,  
4 renumbered 98.245 (7) (b) 3m. and amended to read:

5 98.245 (7) (b) 3m. If the department determines that a meter has not been  
6 inspected and tested under subd. 1. within the last year, the department shall notify  
7 the owner issue a written notice to the operator of the meter. The owner shall have  
8 30 days after being notified to have the meter tested. Within 30 days after the  
9 operator received the notice, the operator shall have the meter inspected and tested  
10 as required under subd. 1.

11 *No P* 4. *strike space* If the owner operator fails to have the owner's meter tested as required under  
12 subd. 3. do so, the department may assess the owner operator a fee of not more than  
13 up to \$100 for that meter and may suspend or revoke the operator's license *issued* under par.  
14 *for that meter.*

15 SECTION 21. 98.245 (7) (b) 5. of the statutes is repealed.

16 SECTION 9304. Initial applicability; agriculture, trade and consumer  
17 protection.

18 (1) WEIGHTS AND MEASURES FEES FOR FERTILIZER LICENSES. The treatment of  
19 section 94.64 (4) (a) 6. of the statutes first applies to licenses issued on the effective  
20 date of this subsection.

21 (2) LICENSE FEES FOR VEHICLE SCALE OPERATORS. The treatment of section 98.16  
22 (2) (b) of the statutes first applies to licenses issued on *the effective date of this subsection*  
*July 1, 1999.*

23 SECTION 9404. *Effective dates;* agriculture, trade and consumer  
24 protection.

1  
2  
3

(1) LICENSE FEES FOR VEHICLE SCALE OPERATORS. The treatment of section 98.16  
(2) (b) of the statutes takes effect on July 1, 1999.

(END)

delivery  
that is  
for sale or  
in liquid form and by  
liquid measure  
LRB-0452/P2  
MGG:mfd:kat  
SECTION 21  
Sno  
A

1 with sub. (7). Except as provided in par. (b), the seller shall, at the time of delivery,  
2 either provide a copy of the delivery ticket printed by the delivery ticket printer to  
3 the purchaser or leave a copy at the place of delivery. The delivery ticket shall contain  
4 all of the following information:

③ license required.

5 SECTION 22. 98.245 (7) of the statutes is created to read:  
6 98.245 (7) METERS, LICENSE, TESTING (ag) Beginning on the effective date of this  
7 paragraph .... [revisor inserts date], no person selling liquefied petroleum gas may  
8 operate a meter to measure the amount of gas delivered or sold to any person unless that  
9 seller holds a valid license issued by the department under this paragraph for the  
10 meter. A separate license is required for each meter. A license is not transferable

11 between persons or meters. A license expires on August 31 annually. ✓  
License application fees.

12 (a) An applicant for a license issued under par. (a) shall apply on a form  
13 provided by the department. The applicant shall provide on the form information  
14 that is reasonably required by the department for issuing licenses under this section.

15 The license application shall be accompanied by the applicable fees under ~~par. (a)~~  
16 ~~and (b)~~ subds. 2. and 3.

17 2. (c) Unless the department establishes a different fee by rule, the fee for an  
18 annual license under par. (a) is \$50 for a meter mounted on a vehicle and \$30 for  
19 stationary meter. In addition to the license fee under subd. 2. (c) operated the meter without a license

20 3. (d) An applicant for a license under par. (a) shall pay a license fee surcharge  
21 of \$200 in addition to the license fee if the department determines that within one  
22 year before making the application the applicant violated par. (a). Payment of this  
23 surcharge does not relieve the applicant of any other civil or criminal liability that  
24 the applicant may incur because of the violation of par. (a), but does not constitute  
25 evidence of violation of a law. ag

25

(a)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0061<sup>P1</sup> / dn  
MGG.....

(2)  
1. I assume the cross-references to s. 98.245 (7) in s. 98.245 (4) (a) and (b) and (6) still work.

2. Please review the changes in s. 98.04 (1) and (2) to make sure <sup>that</sup> they achieve your intent. In so doing, note the following:

a. Subsection <sup>(2)</sup> only applies to those municipalities and towns that are subject to sub. (1).

b. I did not strike through "the provisions of" in the first sentence of <sup>s.</sup> 98.04 (1) and I repeated the phrase in sub. (2). If the thought is that this language is redundant and this is not meant to be a substantive change, there should be a note in the drafting file to that effect. If it is attempting to cover administrative rules or other standards as well as the provisions of the chapter, then the rules and standards should be <sup>mentioned</sup> specifically mentioned. <sup>for s. 98.04 (1), in current law</sup>

✓ c. In the language <sup>that</sup> I was provided <sup>the sentence in sub. (1)</sup> regarding the annual report ~~to be filed with the department~~ was omitted. I thought that was probably unintentional. If the intent is to repeal it, it needs to be stricken.

✓ 3. Regarding s. 98.24<sup>5</sup> (7) (b), I know that the phrase "the department shall refund a fee paid under protest" is found at various locations in the DATCP chapters, but I have deleted it from this draft because, under the language, wouldn't the department refund a fee that was wrongly paid even if the payer did not pay it "under protest"? Is there a way to improve the language? <sup>e</sup>

4. Do you want a delayed effective date for the treatment of s. 98.245 (7)?

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0061/P1dn  
MGG:kmg:jf

November 19, 1998

1. I assume the cross-references to s. 98.245 (7) in s. 98.245 (4) (a) and (b) and (6) still work.

2. Please review the changes in s. 98.04 (1) and (2) to make sure that they achieve your intent. In so doing, note the following:

a. Subsection (2) only applies to those municipalities and towns that are subject to sub. (1).

b. I did not strike through "the provisions of" in the first sentence of s. 98.04 (1) and I repeated the phrase in sub. (2). If the thought is that this language is redundant and this is not meant to be a substantive change, there should be a note in the drafting file to that effect. If it is attempting to cover administrative rules or other standards as well as the provisions of the chapter, then the rules and standards should be specifically mentioned.

c. In the language that I was provided for s. 98.04 (1), the sentence in current law regarding the annual report was omitted. I thought that was probably unintentional. If the intent is to repeal it, it needs to be stricken.

3. Regarding s. 98.245 (7) (b), I know that the phrase "the department shall refund a fee paid under protest" is found at various locations in the DATCP chapters, but I have deleted it from this draft because, under the language, wouldn't the department refund a fee that was wrongly paid even if the payer did not pay it "under protest"? Is there a way to improve the language?

4. Do you want a delayed effective date for the treatment of s. 98.245 (7)?

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215

redraft

eliminate town out 98.04

" population, <sup>language</sup> ~~out of~~ 98.04

94.64 (4) (a) 6. → one cent to 2 cents

94.64 (4) (a) 1. → 324 to 30¢

put last sentence of 98.04 back in  
in current law back in



State of Wisconsin  
1999 - 2000 LEGISLATURE

SOON

3 RMR  
LRB-0061/2  
MGG:kmg&jlg:jf  
Stays

DOA:.....Justus - Weights and measures changes

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1

*Don't  
Gen. Cat.*  
AN ACT relating to: the budget.

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*Analysis by the Legislative Reference Bureau*  
**COMMERCE AND ECONOMIC DEVELOPMENT**

**COMMERCE**

Under current law, a person who owns a meter used to sell or deliver liquefied petroleum gas (LP gas) must comply with certain requirements to ensure the accuracy of the measurements done by the meter and the price charged to the purchaser. These requirements include registering the meter with the department of agriculture, trade and consumer protection (DATCP). Current law requires DATCP to promulgate rules regarding these registration requirements. This bill changes the registration requirement to a licensing requirement and imposes the requirement on the operator of the meter instead of the owner. The bill also imposes certain statutory requirements on the licensing procedure instead of requiring DATCP to impose requirements by rule.

Current law requires that a meter owner have the meter inspected annually by a meter servicing company that is licensed by DATCP. The meter service company then must file with DATCP a report of the test results.

The bill imposes the requirement that the meter be inspected on the operator instead of on the owner. The bill also eliminates the requirement that meter servicers be specifically licensed as such and instead, they are licensed under the current law that governs the licensing of all persons who install, service test or calibrate weights and measures. The bill requires that meter servicers test meters according to standards and tolerances established by DATCP by rule.



Current law imposes fees on meter owners for not complying with these registration and testing requirements and on meter servicing companies for not complying with the reporting requirements. The bill makes minor changes in these fees. The bill also authorizes DATCP to suspend or revoke an operator's license for failure to have a meter tested or a meter servicer's license for failure to file a report.

Under current law, a person must be licensed by DATCP to manufacture or distribute fertilizer or animal feed. The bill imposes on the licensee a weights and measures fee on each ton of fertilizer or animal feed that is manufactured or delivered. The fees are used by DATCP for its weights and measures inspection program. The bill reduces the other fees that a licensee pays on each ton of fertilizer or animal feed so that the total fee per ton remains the same as it is under current law.

The bill also increases the fees for licenses for commercial scales that weigh vehicles.

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

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

- 1           **SECTION 1.** 20.115 (1) (j) of the statutes is amended to read:
- 2           20.115 (1) (j) *Weights and measures inspection.* The amounts in the schedule
- 3 for weights and measures inspection, testing and enforcement under ch. 98. All
- 4 moneys received under ss. 93.06 (1p), 94.64 (4) (a) 6., 94.72 (6) (a) 3., 97.30 (3) (am),
- 5 98.04 (2), 98.05 (5), 98.16, 98.18 and 98.245 (7) shall be credited to this appropriation.
- 6           **SECTION 2.** 25.465 (8) of the statutes is amended to read:
- 7           25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) 1. and 2. and (i).
- 8           **SECTION 3.** 94.64 (4) (a) 1. of the statutes is amended to read:
- 9           94.64 (4) (a) 1. A basic fee of 25 cents per ton for fertilizer sold or distributed
- 10 from July 1, 1997, to June 30, 1999, and ~~32~~ 30 cents per ton for fertilizer sold or
- 11 distributed after June 30, 1999, with a minimum fee of \$25.
- 12           **SECTION 4.** 94.64 (4) (a) 6. of the statutes is created to read:

1           94.64 (4) (a) 6. A weights and measures inspection fee of 2 cents per ton, with  
2 a minimum fee of \$1.

3           **SECTION 5.** 94.64 (4) (c) 6. of the statutes is created to read:

4           94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the  
5 appropriation account under s. 20.115 (1) (j).

6           **SECTION 6.** 94.72 (6) (a) 1. of the statutes is amended to read:

7           94.72 (6) (a) 1. For commercial feeds distributed in this state during the years  
8 that begin on January 1, 1998, and year that begins on January 1, 1999, 15 a feed  
9 inspection fee of 13 cents per ton.

10          **SECTION 7.** 94.72 (6) (a) 2. of the statutes is amended to read:

11          94.72 (6) (a) 2. For commercial feeds distributed in this state on or after  
12 January 1, 2000, 25 a feed inspection fee of 23 cents per ton.

13          **SECTION 8.** 94.72 (6) (a) 3. of the statutes is created to read:

14          94.72 (6) (a) 3. For commercial feeds distributed in this state on or after  
15 January 1, 2000, a weights and measures inspection fee of 2 cents per ton.

16          **SECTION 9.** 98.04 (1) of the statutes is amended to read:

17          98.04 (1) Each Except as provided in sub. (2), a municipality having a  
18 population of more than 5,000, according to the ~~latest federal census~~, shall enforce  
19 the provisions of this chapter within its jurisdiction. For this purpose it, a  
20 municipality shall establish a municipal department of weights and measures. Each  
21 municipal department of weights and measures shall have such number of qualified  
22 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers  
23 or inspectors shall have the same authority as sealers or inspectors of the  
24 department. The selection of municipal sealers or inspectors shall be from a list of  
25 applicants whose qualifications have been certified by the state or local civil service

most recent population estimate made by the department  
of administration under 5.16.96

1 agency under the rules of the agency. ~~Such~~ The municipality shall procure and keep  
2 at all times a complete set of standards of weight and measure conforming to the  
3 state standards, ~~and such standards shall be submitted and shall submit the~~  
4 standards for certification at regular intervals as required by the department. ~~It~~ The  
5 municipality shall keep a complete record of its work and annually shall file a report  
6 thereof with the department. ~~Municipalities~~ The municipality may enact ordinances  
7 regulating that regulate weights and measures and that are not in conflict with this  
8 chapter or the rules of the department ~~and.~~ The municipality may assess fees which  
9 that do not exceed the actual cost of the municipal its weights and measures  
10 program.

11 **SECTION 10.** 98.04 (2) of the statutes is repealed and recreated to read:

12 98.04 (2) If a municipality is required to establish a department of weights and  
13 measures under sub. (1), the municipality may contract with the department to  
14 enforce the provisions of this chapter within the municipality's jurisdiction instead  
15 of establishing its own department. The department may charge the municipality  
16 fees sufficient to cover the department's costs under the contract. A municipality  
17 may recover an amount not to exceed the cost of these fees by assessing fees on the  
18 persons who receive services under the weights and measures program.

19 **SECTION 11.** 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27,  
20 section 2552f, is amended to read:

21 98.16 (2) (b) The fee for a license under par. (a) is \$30 ~~\$60~~, except that the  
22 department may establish a different fee by rule.

23 **SECTION 12.** 98.245 (7) (title) and (a) of the statutes are repealed and recreated  
24 to read:

1           98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection,  
2 "meter servicer" means a person licensed under s. 98.18 to inspect and test meters  
3 that are used to measure liquefied petroleum gas that is sold or delivered in a liquid  
4 form and by liquid measure.

5           **SECTION 13.** 98.245 (7) (ag) and (ar) of the statutes are created to read:

6           98.245 (7) (ag) *License required.* Beginning on the effective date of this  
7 paragraph .... [revisor inserts date], no person may operate a meter to measure  
8 liquefied petroleum gas that is for sale or delivery in liquid form and by liquid  
9 measure unless the person holds an annual license issued by the department for the  
10 meter. A separate license is required for each meter. A license is not transferable  
11 between persons or meters. A license expires on July 31 of each year.

From  
PI

12

(ar) 1. <sup>(I) License application; fees.</sup> An applicant for the license required under par. (ag) shall apply on a form  
13 provided by the department. The license application shall be accompanied by the  
14 applicable fees under subds. 2. and 3.

15           2. Unless the department establishes a different fee by rule, the fee for an  
16 annual license required under par. (ag) is \$25 for each meter.

17           3. In addition to the license fee under subd. 2., an applicant shall pay a license  
18 fee surcharge of \$200 for a meter if the department determines that within one year  
19 before making the application the applicant operated the meter in violation of par.  
20 (ag). Payment of this surcharge does not relieve the applicant of any other civil or  
21 criminal liability that the applicant may incur because of the violation of par. (ag),  
22 but does not constitute evidence of a violation of a law.

23           **SECTION 14.** 98.245 (7) (b) 1. of the statutes is repealed and recreated to read:

24           98.245 (7) (b) 1. A person who is required to hold a license under par. (ag) for  
25 a meter shall have that meter inspected and tested annually by a meter servicer. The

1 meter servicer shall inspect and test the meter for accuracy according to the  
2 standards, specifications, tolerances and procedures that the department  
3 establishes by rule.

4 **SECTION 15.** 98.245 (7) (b) 2. of the statutes is amended to read:

5 98.245 (7) (b) 2. A. Within 15 days after a meter servicer inspects and tests a  
6 meter under subd. 1., the meter servicing company servicer shall file with report the  
7 results to the department a report, for each meter, containing the results of the  
8 testing under subd. 1. within 30 days after completing the testing in writing. If the  
9 meter servicer fails to file the report within the 15 days, the department may assess  
10 the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's  
11 license issued under s. 98.18.

12 **SECTION 16.** 98.245 (7) (b) 3. and 4. of the statutes are consolidated,  
13 renumbered 98.245 (7) (b) 3m. and amended to read:

14 98.245 (7) (b) 3m. If the department determines that a meter has not been  
15 inspected and tested under subd. 1. within the last year, the department shall notify  
16 the owner. The owner shall have 30 days after being notified to have the meter tested.  
17 issue a written notice to the operator of the meter. -4. Within 30 days after the  
18 operator received the notice, the operator shall have the meter inspected and tested  
19 as required under subd. 1. If the ~~owner~~ operator fails to ~~have the owner's meter~~  
20 tested as required under subd. 3. do so, the department may assess the ~~owner~~  
21 operator a fee of ~~not more than~~ up to \$100 for that meter and may suspend or revoke  
22 the operator's license issued under par. (ag) for that meter.

23 **SECTION 17.** 98.245 (7) (b) 5. of the statutes is repealed.

24 **SECTION 9304. Initial applicability; agriculture, trade and consumer**  
25 **protection.**



State of Wisconsin  
1999 - 2000 LEGISLATURE

RMR #1  
LRB-0061/10  
MGG:kmg:jf

SDW  
D-Note

4/19

DOA:.....Justus - Weights and measures changes

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

INSERT ANL

do not gen

1 AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. 20.115 (1) (j) of the statutes is amended to read:

3 20.115 (1) (j) *Weights and measures inspection.* The amounts in the schedule  
4 for weights and measures inspection, testing and enforcement under ch. 98. All  
5 moneys received under ss. 93.06 (1p), 94.64 (4)(a) 6., 94.72 (6) (a) 3., 97.30 (3) (am),  
6 98.04 (2), 98.05 (5), 98.16, 98.18 and 98.245 (7) shall be credited to this appropriation.

7 SECTION 2. 25.465 (8) of the statutes is amended to read:

8 25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) 1. and 2. and (i).

9 SECTION 3. 94.64 (4) (a) 1. of the statutes is amended to read:

1 94.64 (4) (a) 1. A basic fee of 25 cents per ton for fertilizer sold or distributed  
2 from July 1, 1997, to June 30, 1999, and ~~32~~ <sup>30</sup> ~~31~~ cents per ton for fertilizer sold or  
3 distributed after June 30, 1999, with a minimum fee of \$25.

4 SECTION 4. 94.64 (4) (a) 6. of the statutes is created to read: <sup>1/2 cent</sup>

5 94.64 (4) (a) 6. A weights and measures inspection fee of ~~1 cent~~ per ton, with  
6 a minimum fee of \$1.

7 SECTION 5. 94.64 (4) (c) 6. of the statutes is created to read:

8 94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the  
9 appropriation account under s. 20.115 (1) (j).

10 SECTION 6. 94.72 (6) (a) 1. of the statutes is amended to read:

11 94.72 (6) (a) 1. For commercial feeds distributed in this state during the years  
12 that begin on January 1, 1998, and year that begins on January 1, 1999, a feed  
13 inspection fee of 15 cents per ton.

14 SECTION 7. 94.72 (6) (a) 2. of the statutes is amended to read:

15 94.72 (6) (a) 2. For commercial feeds distributed in this state on or after  
16 January 1, 2000, a feed inspection fee of 25 cents per ton.

17 SECTION 8. 94.72 (6) (a) 3. of the statutes is created to read:

18 94.72 (6) (a) 3. For commercial feeds distributed in this state on or after  
19 January 1, 2000, a weights and measures inspection fee of 1 cent per ton.

20 SECTION 9. 97.30 (3m) (a) 3. of the statutes is amended to read:

21 97.30 (3m) (a) 3. An annual weights and measures inspection fee of \$45, except  
22 that this fee does not apply to a retail food establishment that is located in a  
23 municipality or town that has established a municipal department of weights and  
24 measures under s. 98.04 (1) ~~or that recovers fees from the retail food establishment~~  
25 ~~under s. 98.04 (2)~~ for the purpose of enforcement of the provisions of ch. 98.

1 SECTION 10. 97.30 (3m) (b) 3. of the statutes is amended to read:

2 97.30 (3m) (b) 3. An annual weights and measures inspection fee of \$100,  
3 except that this fee does not apply to a retail food establishment that is located in a  
4 municipality or town that has established a municipal department of weights and  
5 measures under s. 98.04 (1) or that recovers fees from the retail food establishment  
6 under s. 98.04 (2) for the purpose of enforcement of the provisions of ch. 98.

7 SECTION 11. 97.30 (3m) (c) 3. of the statutes is amended to read:

8 97.30 (3m) (c) 3. An annual weights and measures inspection fee of \$25, except  
9 that this fee does not apply to a retail food establishment that is located in a  
10 municipality or town that has established a municipal department of weights and  
11 measures under s. 98.04 (1) or that recovers fees from the retail food establishment  
12 under s. 98.04 (2) for the purpose of enforcement of the provisions of ch. 98.

13 SECTION 12. 98.04 (title) of the statutes is amended to read:

14 98.04 (title) **Municipalities and towns.**

15 SECTION 13. 98.04 (1) of the statutes is amended to read:

16 98.04 (1) Each Except as provided in sub. (2), a municipality (having a  
17 population of more than 5,000, according to the latest federal census, ~~that~~ shall  
18 enforce the provisions of this chapter within its jurisdiction if the municipality or  
19 town has a population of more than 7,000 according to the most recent population  
20 estimate made by the department of administration under s. 16.96. For this purpose  
21 it, such a municipality or town shall establish a municipal department of weights and  
22 measures. Each municipal department of weights and measures shall have such  
23 number of qualified sealers or inspectors as will ensure compliance with this chapter.  
24 Municipal ~~These~~ sealers or inspectors shall have the same authority as sealers or  
25 inspectors of the department. The selection of municipal ~~these~~ sealers or inspectors

2

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1 shall be from a list of applicants whose qualifications have been certified by the state  
 2 or local civil service agency under the rules of the agency. ~~Such~~ The municipality or  
 3 ~~town~~ shall procure and keep at all times a complete set of standards of weight and  
 4 measure conforming to the state standards, ~~and such standards shall be submitted~~  
 5 ~~and shall submit the standards~~ for certification at regular intervals as required by  
 6 the department. ~~It~~ The municipality or town shall keep a complete record of its work  
 7 and annually shall file a report thereof with the department. ~~Municipalities~~ The  
 8 municipality or town may enact ordinances ~~regulating that regulate~~ weights and  
 9 measures ~~and that are~~ not in conflict with this chapter or the rules of the department  
 10 and. The municipality or town may assess fees ~~which that~~ do not exceed the actual  
 11 cost of the municipal its weights and measures program.

12 SECTION 14. 98.04 (2) of the statutes is repealed and recreated to read:

13 98.04 (2) If a municipality or town is required to establish a department of  
 14 weights and measures under sub. (1), the municipality or town may contract with the  
 15 department to enforce the provisions of this chapter within the municipality's or  
 16 town's jurisdiction instead of establishing its own department. The department may  
 17 charge the municipality or town ~~a fee~~ <sup>fees sufficient</sup> to cover the department's costs under the  
 18 contract. <sup>A municipality may recover an amount not to exceed</sup>  
 19 <sup>the cost of these fees by assessing fees on the persons who</sup>

20 SECTION 15. 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27,  
 21 section 2552f, is amended to read:

22 98.16 (2) (b) The fee for a license under par. (a) is \$30 ~~\$60~~, except that the  
 23 department may establish a different fee by rule.

24 SECTION 16. 98.245 (7) (title) and (a) of the statutes are repealed and recreated  
 to read:

*services under*  
 - receive ~~the~~ weights and measures ~~program~~ program.

1           98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection, "meter  
2   servicer" means a person licensed under s. 98.18 to inspect and test meters that are  
3   used to measure liquefied petroleum gas that is sold or delivered in a liquid form and  
4   by liquid measure.

5           **SECTION 17.** 98.245 (7) (ag) and (ar) of the statutes are created to read:

6           98.245 (7) (ag) *License required.* Beginning on the effective date of this  
7   paragraph .... [revisor inserts date], no person may operate a meter to measure  
8   liquefied petroleum gas that is for sale or <sup>delivery</sup> in liquid form and by liquid measure unless  
9   the person holds an annual license issued by the department for the meter. A  
10   separate license is required for each meter. A license is not transferable between  
11   persons or meters. A license expires on July 31 of each year.

12           (ar) 1. An applicant for the license required under par. (ag) shall apply on a form  
13   provided by the department. The license application shall be accompanied by the  
14   applicable fees under subds. 2. and 3.

15           2. Unless the department establishes a different fee by rule, the fee for an  
16   annual license required under par. (ag) is \$25 for each meter.

17           3. In addition to the license fee under subd. 2., an applicant shall pay a license  
18   fee surcharge of \$200 for a meter if the department determines that within one year  
19   before making the application the applicant operated the meter in violation of par.  
20   (ag). Payment of this surcharge does not relieve the applicant of any other civil or  
21   criminal liability that the applicant may incur because of the violation of par. (ag),  
22   but does not constitute evidence of a violation of a law.

23           **SECTION 18.** 98.245 (7) (b) 1. of the statutes is repealed and recreated to read:

24           98.245 (7) (b) 1. A person who is required to hold a license under par. (ag) for  
25   a meter shall have that meter inspected and tested annually by a meter servicer. The

1 meter servicer shall inspect and test the meter for accuracy according to the  
2 standards, specifications, tolerances and procedures that the department establishes  
3 by rule.

4 SECTION 19. 98.245 (7) (b) 2. of the statutes is amended to read:

5 98.245 (7) (b) 2. A. Within 15 days after a meter servicer inspects and tests a  
6 meter under subd. 1., the meter servicing company servicer shall file with report the  
7 results to the department a report, for each meter, containing the results of the  
8 testing under subd. 1. within 30 days after completing the testing in writing. If the  
9 meter servicer fails to file the report within the 15 days, the department may assess  
10 the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's  
11 license issued under s. 98.18.

12 SECTION 20. 98.245 (7) (b) 3. and 4. of the statutes are consolidated,  
13 renumbered 98.245 (7) (b) 3m. and amended to read:

14 98.245 (7) (b) 3m. If the department determines that a meter has not been  
15 inspected and tested under subd. 1. within the last year, the department shall notify  
16 the owner. The owner shall have 30 days after being notified to have the meter tested.  
17 issue a written notice to the operator of the meter. 4. Within 30 days after the  
18 operator received the notice, the operator shall have the meter inspected and tested  
19 as required under subd. 1. If the owner operator fails to have the owner's meter  
20 tested as required under subd. 3. do so, the department may assess the owner  
21 operator a fee of not more than up to \$100 for that meter and may suspend or revoke  
22 the operator's license issued under par. (ag) for that meter.

23 SECTION 21. 98.245 (7) (b) 5. of the statutes is repealed.

24 SECTION 9304. Initial applicability; agriculture, trade and consumer  
25 protection.

1           (1) WEIGHTS AND MEASURES FEES FOR FERTILIZER LICENSES. The treatment of  
2 section 94.64 (4) (a) 6. of the statutes first applies to licenses issued on the effective  
3 date of this subsection.

4           (2) LICENSE FEES FOR VEHICLE SCALE OPERATORS. The treatment of section 98.16  
5 (2) (b) of the statutes first applies to licenses issued on the effective date of this  
6 subsection.

7

(END) ✓

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0061/1INS  
MGG:kmg:jf

INS  
ANL

Under current law, a person <sup>requirements</sup> (a person) who owns a meter used to sell or deliver liquefied petroleum gas (LP gas) <sup>the</sup> must comply with certain requirements to ensure the accuracy of the measurements done by the meter and <sup>to</sup> price charged the purchaser. These include registering the meter with the department of agriculture, trade and consumer protection (DATCP). Current law requires DATCP to promulgate rules regarding these registration requirements. This bill changes the registration requirement to a licensing requirement and imposes the requirement on the operator of the meter instead of the owner. The bill also imposes certain statutory requirements on the licensing procedure instead of requiring DATCP to impose requirements by rule.

Current law requires that a meter owner have the meter <sup>licensed</sup> inspected annually by a meter servicing company that is licensed by DATCP. The meter service company then must file with DATCP a report of the test results.

The bill imposes the requirement that the meter be inspected on the operator instead of on the owner. <sup>inspected</sup> The bill also eliminates the requirement that meter servicers be specifically as such and instead, they are licensed under the current law that governs the licensing of all persons who install, service test or <sup>calibrate</sup> calibrate weights and measures. The bill requires that meter servicers test meters according to standards and tolerances established by DATCP by rule.

Current law imposes fees on meter owners for not complying with these registration and testing requirements and on meter servicing companies for not complying with the reporting requirements. The bill makes minor changes in these fees. The bill also authorizes DATCP to suspend or revoke an operator's license for failure to have a meter tested <sup>and</sup> or a meter servicer's license for failure to file a report.

Under current law, a person must be licensed by DATCP to manufacture or distribute fertilizer or animal feed. The bill imposes on the licensee a weights and measures fee on each ton of fertilizer or animal feed that is manufactured or delivered. The fees are used by DATCP for its weights and measures inspection program.

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

Ⓢ The bill also increases the fees for licenses for commercial scales that weigh vehicles.

head → COMMERCE AND ECONOMIC DEVELOPMENT  
sub → COMMERCE

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0061/1dn  
MGG:.....

1. Note that an operator's license may be revoked for failure to have a meter tested but not for failure to have it licensed. OK?

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215

2. ~~Propose~~ I recommend that DATCP be allowed to review the treatment of 5.98.04 since it ~~has~~ ~~substantially~~ ~~been~~ contains substantial changes.

---

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0061/1dn  
MGG:kmg&jlg:jf

December 7, 1998

1. Note that an operator's license may be revoked for failure to have a meter tested but not for failure to have it licensed. OK?
2. I recommend that DATCP be allowed to review the treatment of s. 98.04 since it contains substantial changes.

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215



State of Wisconsin  
1999 - 2000 LEGISLATURE

Seen

RMR

LRB-0061/2

MGG:kmg&jlg:jf

Stays

DOA:.....Justus - Weights and measures changes

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*  
**COMMERCE AND ECONOMIC DEVELOPMENT**

**COMMERCE**

Under current law, a person who owns a meter used to sell or deliver liquefied petroleum gas (LP gas) must comply with certain requirements to ensure the accuracy of the measurements done by the meter and the price charged to the purchaser. These requirements include registering the meter with the department of agriculture, trade and consumer protection (DATCP). Current law requires DATCP to promulgate rules regarding these registration requirements. This bill changes the registration requirement to a licensing requirement and imposes the requirement on the operator of the meter instead of the owner. The bill also imposes certain statutory requirements on the licensing procedure instead of requiring DATCP to impose requirements by rule.

Current law requires that a meter owner have the meter inspected annually by a meter servicing company that is licensed by DATCP. The meter service company then must file with DATCP a report of the test results.

The bill imposes the requirement that the meter be inspected on the operator instead of on the owner. The bill also eliminates the requirement that meter servicers be specifically licensed as such and instead, they are licensed under the current law that governs the licensing of all persons who install, service test or calibrate weights and measures. The bill requires that meter servicers test meters according to standards and tolerances established by DATCP by rule.



*of fertilizer or animal feed so that the total fee per ton remains the same as it is under current law.*

Current law imposes fees on meter owners for not complying with these registration and testing requirements and on meter servicing companies for not complying with the reporting requirements. The bill makes minor changes in these fees. The bill also authorizes DATCP to suspend or revoke an operator's license for failure to have a meter tested or a meter servicer's license for failure to file a report.

Under current law, a person must be licensed by DATCP to manufacture or distribute fertilizer or animal feed. The bill imposes on the licensee a weights and measures fee on each ton of fertilizer or animal feed that is manufactured or delivered. The fees are used by DATCP for its weights and measures inspection program. *The bill reduces the other fees that a licensee pays on each ton*

The bill also increases the fees for licenses for commercial scales that weigh vehicles.

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.** 20.115 (1) (j) of the statutes is amended to read:

2           20.115 (1) (j) *Weights and measures inspection.* The amounts in the schedule  
3 for weights and measures inspection, testing and enforcement under ch. 98. All  
4 moneys received under ss. 93.06 (1p), 94.64 (4) (a) 6., 94.72 (6) (a) 3., 97.30 (3) (am),  
5 98.04 (2), 98.05 (5), 98.16, 98.18 and 98.245 (7) shall be credited to this appropriation.

6           **SECTION 2.** 25.465 (8) of the statutes is amended to read:

7           25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) 1. and 2. and (i).

8           **SECTION 3.** 94.64 (4) (a) 1. of the statutes is amended to read:

9           94.64 (4) (a) 1. A basic fee of 25 cents per ton for fertilizer sold or distributed  
10 from July 1, 1997, to June 30, 1999, and ~~32~~ 30 cents per ton for fertilizer sold or  
11 distributed after June 30, 1999, with a minimum fee of \$25.

12           **SECTION 4.** 94.64 (4) (a) 6. of the statutes is created to read:

13           94.64 (4) (a) 6. A weights and measures inspection fee of 2 cents per ton, with  
14 a minimum fee of \$1.

1           **SECTION 5.** 94.64 (4) (c) 6. of the statutes is created to read:

2           94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the  
3 appropriation account under s. 20.115 (1) (j).

4           **SECTION 6.** 94.72 (6) (a) 1. of the statutes is amended to read:

5           94.72 (6) (a) 1. For commercial feeds distributed in this state during the years  
6 that begin on January 1, 1998, and year that begins on January 1, 1999, <sup>+5</sup> a feed  
7 inspection fee of <sup>13</sup> ~~15~~ cents per ton.

8           **SECTION 7.** 94.72 (6) (a) 2. of the statutes is amended to read:

9           94.72 (6) (a) 2. For commercial feeds distributed in this state on or after  
10 January 1, 2000, <sup>25</sup> a feed inspection fee of <sup>25</sup> ~~25~~ cents per ton.

11           **SECTION 8.** 94.72 (6) (a) 3. of the statutes is created to read:

12           94.72 (6) (a) 3. For commercial feeds distributed in this state on or after  
13 January 1, 2000, a weights and measures inspection fee of <sup>2 cents</sup> ~~1 cent~~ per ton.

14           **SECTION 9.** 98.04 (1) of the statutes is amended to read:

15           98.04 (1) ~~Each~~ Except as provided in sub. (2), a municipality having a  
16 population of more than 5,000, according to the latest federal census, shall enforce  
17 the provisions of this chapter within its jurisdiction. For this purpose ~~it,~~ a  
18 municipality shall establish a municipal department of weights and measures. Each  
19 municipal department of weights and measures shall have such number of qualified  
20 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers  
21 or inspectors shall have the same authority as sealers or inspectors of the  
22 department. The selection of municipal sealers or inspectors shall be from a list of  
23 applicants whose qualifications have been certified by the state or local civil service  
24 agency under the rules of the agency. ~~Such~~ The municipality shall procure and keep  
25 at all times a complete set of standards of weight and measure conforming to the

1 state standards, ~~and such standards shall be submitted~~ and shall submit the  
2 standards for certification at regular intervals as required by the department. ~~It~~ The  
3 municipality shall keep a complete record of its work and annually shall file a report  
4 thereof with the department. ~~Municipalities~~ The municipality may enact ordinances  
5 ~~regulating that regulate~~ weights and measures and that are not in conflict with this  
6 chapter or the rules of the department ~~and~~. The municipality may assess fees ~~which~~  
7 that do not exceed the actual cost of ~~the municipal~~ its weights and measures  
8 program.

9 **SECTION 10.** 98.04 (2) of the statutes is repealed and recreated to read:

10 98.04 (2) If a municipality is required to establish a department of weights and  
11 measures under sub. (1), the municipality may contract with the department to  
12 enforce the provisions of this chapter within the municipality's jurisdiction instead  
13 of establishing its own department. The department may charge the municipality  
14 fees sufficient to cover the department's costs under the contract. A municipality  
15 may recover an amount not to exceed the cost of these fees by assessing fees on the  
16 persons who receive services under the weights and measures program.

17 **SECTION 11.** 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27,  
18 section 2552f, is amended to read:

19 98.16 (2) (b) The fee for a license under par. (a) is ~~\$30~~ \$60, except that the  
20 department may establish a different fee by rule.

21 **SECTION 12.** 98.245 (7) (title) and (a) of the statutes are repealed and recreated  
22 to read:

23 98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection,  
24 "meter servicer" means a person licensed under s. 98.18 to inspect and test meters

1 that are used to measure liquefied petroleum gas that is sold or delivered in a liquid  
2 form and by liquid measure.

3 **SECTION 13.** 98.245 (7) (ag) and (ar) of the statutes are created to read:

4 98.245 (7) (ag) *License required.* Beginning on the effective date of this  
5 paragraph ... [revisor inserts date], no person may operate a meter to measure  
6 liquefied petroleum gas that is for sale or delivery in liquid form and by liquid  
7 measure unless the person holds an annual license issued by the department for the  
8 meter. A separate license is required for each meter. A license is not transferable  
9 between persons or meters. A license expires on July 31 of each year.

10 (ar) 1. An applicant for the license required under par. (ag) shall apply on a form  
11 provided by the department. The license application shall be accompanied by the  
12 applicable fees under subds. 2. and 3.

13 2. Unless the department establishes a different fee by rule, the fee for an  
14 annual license required under par. (ag) is \$25 for each meter.

15 3. In addition to the license fee under subd. 2., an applicant shall pay a license  
16 fee surcharge of \$200 for a meter if the department determines that within one year  
17 before making the application the applicant operated the meter in violation of par.  
18 (ag). Payment of this surcharge does not relieve the applicant of any other civil or  
19 criminal liability that the applicant may incur because of the violation of par. (ag),  
20 but does not constitute evidence of a violation of a law.

21 **SECTION 14.** 98.245 (7) (b) 1. of the statutes is repealed and recreated to read:

22 98.245 (7) (b) 1. A person who is required to hold a license under par. (ag) for  
23 a meter shall have that meter inspected and tested annually by a meter servicer. The  
24 meter servicer shall inspect and test the meter for accuracy according to the

1 standards, specifications, tolerances and procedures that the department  
2 establishes by rule.

3 **SECTION 15.** 98.245 (7) (b) 2. of the statutes is amended to read:

4 98.245 (7) (b) 2. A. Within 15 days after a meter servicer inspects and tests a  
5 meter under subd. 1., the meter servicing company servicer shall file with report the  
6 results to the department a report, for each meter, containing the results of the  
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8 meter servicer fails to file the report within the 15 days, the department may assess  
9 the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's  
10 license issued under s. 98.18.

11 **SECTION 16.** 98.245 (7) (b) 3. and 4. of the statutes are consolidated,  
12 renumbered 98.245 (7) (b) 3m. and amended to read:

13 98.245 (7) (b) 3m. If the department determines that a meter has not been  
14 inspected and tested under subd. 1. within the last year, the department shall notify  
15 the owner. The owner shall have 30 days after being notified to have the meter tested.  
16 issue a written notice to the operator of the meter. -4. Within 30 days after the  
17 operator received the notice, the operator shall have the meter inspected and tested  
18 as required under subd. 1. If the owner operator fails to have the owner's meter  
19 tested as required under subd. 3. do so, the department may assess the owner  
20 operator a fee of not more than up to \$100 for that meter and may suspend or revoke  
21 the operator's license issued under par. (ag) for that meter.

22 **SECTION 17.** 98.245 (7) (b) 5. of the statutes is repealed.

23 **SECTION 9304. Initial applicability; agriculture, trade and consumer**  
24 **protection.**





State of Wisconsin  
1999 - 2000 LEGISLATURE

SOON

3 RMR  
LRB-0061/2  
MGG:kmg&jlg:jf  
Stays

DOA:.....Justus - Weights and measures changes

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1

Don't  
Gen. Cat.

AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**COMMERCE AND ECONOMIC DEVELOPMENT**

**COMMERCE**

Under current law, a person who owns a meter used to sell or deliver liquefied petroleum gas (LP gas) must comply with certain requirements to ensure the accuracy of the measurements done by the meter and the price charged to the purchaser. These requirements include registering the meter with the department of agriculture, trade and consumer protection (DATCP). Current law requires DATCP to promulgate rules regarding these registration requirements. This bill changes the registration requirement to a licensing requirement and imposes the requirement on the operator of the meter instead of the owner. The bill also imposes certain statutory requirements on the licensing procedure instead of requiring DATCP to impose requirements by rule.

Current law requires that a meter owner have the meter inspected annually by a meter servicing company that is licensed by DATCP. The meter service company then must file with DATCP a report of the test results.

The bill imposes the requirement that the meter be inspected on the operator instead of on the owner. The bill also eliminates the requirement that meter servicers be specifically licensed as such and instead, they are licensed under the current law that governs the licensing of all persons who install, service test or calibrate weights and measures. The bill requires that meter servicers test meters according to standards and tolerances established by DATCP by rule.

Current law imposes fees on meter owners for not complying with these registration and testing requirements and on meter servicing companies for not complying with the reporting requirements. The bill makes minor changes in these fees. The bill also authorizes DATCP to suspend or revoke an operator's license for failure to have a meter tested or a meter servicer's license for failure to file a report.

Under current law, a person must be licensed by DATCP to manufacture or distribute fertilizer or animal feed. The bill imposes on the licensee a weights and measures fee on each ton of fertilizer or animal feed that is manufactured or delivered. The fees are used by DATCP for its weights and measures inspection program. The bill reduces the other fees that a licensee pays on each ton of fertilizer or animal feed so that the total fee per ton remains the same as it is under current law.

The bill also increases the fees for licenses for commercial scales that weigh vehicles.

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

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

- 1           **SECTION 1.** 20.115 (1) (j) of the statutes is amended to read:
- 2           20.115 (1) (j) *Weights and measures inspection.* The amounts in the schedule
- 3 for weights and measures inspection, testing and enforcement under ch. 98. All
- 4 moneys received under ss. 93.06 (1p), 94.64 (4) (a) 6., 94.72 (6) (a) 3., 97.30 (3) (am),
- 5 98.04 (2), 98.05 (5), 98.16, 98.18 and 98.245 (7) shall be credited to this appropriation.
- 6           **SECTION 2.** 25.465 (8) of the statutes is amended to read:
- 7           25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) 1. and 2. and (i).
- 8           **SECTION 3.** 94.64 (4) (a) 1. of the statutes is amended to read:
- 9           94.64 (4) (a) 1. A basic fee of 25 cents per ton for fertilizer sold or distributed
- 10 from July 1, 1997, to June 30, 1999, and ~~32~~ 30 cents per ton for fertilizer sold or
- 11 distributed after June 30, 1999, with a minimum fee of \$25.
- 12           **SECTION 4.** 94.64 (4) (a) 6. of the statutes is created to read:



1           94.64 (4) (a) 6. A weights and measures inspection fee of 2 cents per ton, with  
2 a minimum fee of \$1.

3           **SECTION 5.** 94.64 (4) (c) 6. of the statutes is created to read:

4           94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the  
5 appropriation account under s. 20.115 (1) (j).

6           **SECTION 6.** 94.72 (6) (a) 1. of the statutes is amended to read:

7           94.72 (6) (a) 1. For commercial feeds distributed in this state during the years  
8 that begin on January 1, 1998, and year that begins on January 1, 1999, 15 a feed  
9 inspection fee of 13 cents per ton.

10          **SECTION 7.** 94.72 (6) (a) 2. of the statutes is amended to read:

11          94.72 (6) (a) 2. For commercial feeds distributed in this state on or after  
12 January 1, 2000, 25 a feed inspection fee of 23 cents per ton.

13          **SECTION 8.** 94.72 (6) (a) 3. of the statutes is created to read:

14          94.72 (6) (a) 3. For commercial feeds distributed in this state on or after  
15 January 1, 2000, a weights and measures inspection fee of 2 cents per ton.

16          **SECTION 9.** 98.04 (1) of the statutes is amended to read:

17          98.04 (1) ~~Each~~ Except as provided in sub. (2), a municipality having a  
18 population of more than 5,000, according to the ~~latest federal census,~~ shall enforce  
19 the provisions of this chapter within its jurisdiction. For this purpose it, a  
20 municipality shall establish a municipal department of weights and measures. Each  
21 municipal department of weights and measures shall have such number of qualified  
22 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers  
23 or inspectors shall have the same authority as sealers or inspectors of the  
24 department. The selection of municipal sealers or inspectors shall be from a list of  
25 applicants whose qualifications have been certified by the state or local civil service

most recent population estimate made by the department  
of administration under 5.16.96

1 agency under the rules of the agency. ~~Such~~ The municipality shall procure and keep  
2 at all times a complete set of standards of weight and measure conforming to the  
3 state standards, ~~and such standards shall be submitted and shall submit the~~  
4 standards for certification at regular intervals as required by the department. ~~It~~ The  
5 municipality shall keep a complete record of its work and annually shall file a report  
6 thereof with the department. ~~Municipalities~~ The municipality may enact ordinances  
7 ~~regulating that regulate~~ weights and measures ~~and that are~~ not in conflict with this  
8 chapter or the rules of the department ~~and~~. The municipality may assess fees ~~which~~  
9 that do not exceed the actual cost of ~~the municipal~~ its weights and measures  
10 program.

11 **SECTION 10.** 98.04 (2) of the statutes is repealed and recreated to read:

12 98.04 (2) If a municipality is required to establish a department of weights and  
13 measures under sub. (1), the municipality may contract with the department to  
14 enforce the provisions of this chapter within the municipality's jurisdiction instead  
15 of establishing its own department. The department may charge the municipality  
16 fees sufficient to cover the department's costs under the contract. A municipality  
17 may recover an amount not to exceed the cost of these fees by assessing fees on the  
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19 **SECTION 11.** 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27,  
20 section 2552f, is amended to read:

21 98.16 (2) (b) The fee for a license under par. (a) is ~~\$30~~ \$60, except that the  
22 department may establish a different fee by rule.

23 **SECTION 12.** 98.245 (7) (title) and (a) of the statutes are repealed and recreated  
24 to read:

1 98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection,  
2 "meter servicer" means a person licensed under s. 98.18 to inspect and test meters  
3 that are used to measure liquefied petroleum gas that is sold or delivered in a liquid  
4 form and by liquid measure.

5 SECTION 13. 98.245 (7) (ag) and (ar) of the statutes are created to read:

6 98.245 (7) (ag) License required. Beginning on the effective date of this  
7 paragraph .... [revisor inserts date], no person may operate a meter to measure  
8 liquefied petroleum gas that is for sale or delivery in liquid form and by liquid  
9 measure unless the person holds an annual license issued by the department for the  
10 meter. A separate license is required for each meter. A license is not transferable  
11 between persons or meters. A license expires on July 31 of each year.

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12 (ar) 1. An applicant for the license required under par. (ag) shall apply on a form  
13 provided by the department. The license application shall be accompanied by the  
14 applicable fees under subds. 2. and 3.

15 2. Unless the department establishes a different fee by rule, the fee for an  
16 annual license required under par. (ag) is \$25 for each meter.

17 3. In addition to the license fee under subd. 2., an applicant shall pay a license  
18 fee surcharge of \$200 for a meter if the department determines that within one year  
19 before making the application the applicant operated the meter in violation of par.  
20 (ag). Payment of this surcharge does not relieve the applicant of any other civil or  
21 criminal liability that the applicant may incur because of the violation of par. (ag),  
22 but does not constitute evidence of a violation of a law.

23 SECTION 14. 98.245 (7) (b) 1. of the statutes is repealed and recreated to read:

24 98.245 (7) (b) 1. A person who is required to hold a license under par. (ag) for  
25 a meter shall have that meter inspected and tested annually by a meter servicer. The

1 meter servicer shall inspect and test the meter for accuracy according to the  
2 standards, specifications, tolerances and procedures that the department  
3 establishes by rule.

4 SECTION 15. 98.245 (7) (b) 2. of the statutes is amended to read:

5 98.245 (7) (b) 2. ~~A. Within 15 days after a meter servicer inspects and tests a~~  
6 ~~meter under subd. 1., the meter servicing company servicer shall file with report the~~  
7 ~~results to the department a report, for each meter, containing the results of the~~  
8 ~~testing under subd. 1. within 30 days after completing the testing in writing. If the~~  
9 ~~meter servicer fails to file the report within the 15 days, the department may assess~~  
10 ~~the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's~~  
11 ~~license issued under s. 98.18.~~

12 SECTION 16. 98.245 (7) (b) 3. and 4. of the statutes are consolidated,  
13 renumbered 98.245 (7) (b) 3m. and amended to read:

14 98.245 (7) (b) 3m. If the department determines that a meter has not been  
15 inspected and tested under subd. 1. within the last year, the department shall notify  
16 the owner. ~~The owner shall have 30 days after being notified to have the meter tested.~~  
17 issue a written notice to the operator of the meter. -4. Within 30 days after the  
18 operator received the notice, the operator shall have the meter inspected and tested  
19 as required under subd. 1. If the owner operator fails to ~~have the owner's meter~~  
20 ~~tested as required under subd. 3. do so,~~ the department may assess the owner  
21 operator a fee of not more than up to \$100 for that meter and may suspend or revoke  
22 the operator's license issued under par. (ag) for that meter.

23 SECTION 17. 98.245 (7) (b) 5. of the statutes is repealed.

24 SECTION 9304. **Initial applicability; agriculture, trade and consumer**  
25 **protection.**



soon (1) - Note

DOA:.....Justus - Weights and measures changes

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*  
**COMMERCE AND ECONOMIC DEVELOPMENT**  
**COMMERCE**

Under current law, a person who owns a meter used to sell or deliver liquefied petroleum gas (LP gas) must comply with certain requirements to ensure the accuracy of the measurements done by the meter and the price charged to the purchaser. These requirements include registering the meter with the department of agriculture, trade and consumer protection (DATCP). Current law requires DATCP to promulgate rules regarding these registration requirements. This bill changes the registration requirement to a licensing requirement and imposes the requirement on the operator of the meter instead of the owner. The bill also imposes certain statutory requirements on the licensing procedure instead of requiring DATCP to impose requirements by rule.

Current law requires that a meter owner have the meter inspected annually by a meter servicing company that is licensed by DATCP. The meter service company then must file with DATCP a report of the test results.

The bill imposes the requirement that the meter be inspected on the operator instead of on the owner. The bill also eliminates the requirement that meter servicers be specifically licensed as such and instead, they are licensed under the current law that governs the licensing of all persons who install, service test or calibrate weights and measures. The bill requires that meter servicers test meters according to standards and tolerances established by DATCP by rule.

Current law imposes fees on meter owners for not complying with these registration and testing requirements and on meter servicing companies for not complying with the reporting requirements. The bill makes minor changes in these fees. The bill also authorizes DATCP to suspend or revoke an operator's license for failure to have a meter tested or a meter servicer's license for failure to file a report.

Under current law, a person must be licensed by DATCP to manufacture or distribute fertilizer or animal feed. The bill imposes on the licensee a weights and measures fee on each ton of fertilizer or animal feed that is manufactured or delivered. The fees are used by DATCP for its weights and measures inspection program. The bill reduces the other fees that a licensee pays on each ton of fertilizer or animal feed so that the total fee per ton remains the same as it is under current law.

The bill also increases the fees for licenses for commercial scales that weigh vehicles.

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

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

1           **SECTION 1.** 20.115 (1) (j) of the statutes is amended to read:

2           20.115 (1) (j) *Weights and measures inspection.* The amounts in the schedule  
3 for weights and measures inspection, testing and enforcement under ch. 98. All  
4 moneys received under ss. 93.06 (1p), ~~94.64 (4) (a) 6., 94.72 (6) (a) 3.,~~ 97.30 (3) (am),  
5 98.04 (2), 98.05 (5), 98.16, 98.18 and 98.245 (7) shall be credited to this appropriation.

6           **SECTION 2.** 25.465 (8) of the statutes is amended to read:

7           25.465 (8) The fees collected under s. 94.72 (5) (b) and (6) (a) ~~1. and 2.~~ and (i).

8           **SECTION 3.** 94.64 (4) (a) 1. of the statutes is amended to read:

9           94.64 (4) (a) 1. A basic fee of 25 cents per ton for fertilizer sold or distributed  
10 from July 1, 1997, to June 30, 1999, and ~~32~~ 30 cents per ton for fertilizer sold or  
11 distributed after June 30, 1999, with a minimum fee of \$25.

12           **SECTION 4.** 94.64 (4) (a) 6. of the statutes is created to read:

1 94.64 (4) (a) 6. A weights and measures inspection fee of 2 cents per ton, with  
2 a minimum fee of \$1.

3 SECTION 5. 94.64 (4) (c) 6. of the statutes is created to read:

4 94.64 (4) (c) 6. The department shall credit the fee under par. (a) 6. to the  
5 appropriation account under s. 20.115 (1) (j).

6 SECTION 6. 94.72 (6) (a) 1. of the statutes is amended to read:

7 94.72 (6) (a) 1. For commercial feeds distributed in this state during the years  
8 ~~that begin on January 1, 1998, and year that begins on January 1, 1999,~~ 15 a feed  
9 inspection fee of 13 cents per ton.

10 SECTION 7. 94.72 (6) (a) 2. of the statutes is amended to read:

11 94.72 (6) (a) 2. For commercial feeds distributed in this state on or after  
12 January 1, 2000, ~~25 a feed inspection fee of 23~~ cents per ton.

13 SECTION 8. 94.72 (6) (a) 3. of the statutes is created to read:

14 94.72 (6) (a) 3. For commercial feeds distributed in this state on or after  
15 January 1, 2000, a weights and measures inspection fee of 2 cents per ton.

16 SECTION 9. 98.04 (1) of the statutes is amended to read:

17 98.04 (1) ~~Each~~ Except as provided in sub. (2), a municipality having a  
18 population of more than 5,000, according to the ~~latest federal census~~ most recent  
19 population estimate made by the department of administration under s. 16.96, shall  
20 enforce the provisions of this chapter within its jurisdiction. For this purpose ~~it,~~ a  
21 municipality shall establish a municipal department of weights and measures. Each  
22 municipal department of weights and measures shall have such number of qualified  
23 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers  
24 or inspectors shall have the same authority as sealers or inspectors of the  
25 department. The selection of municipal sealers or inspectors shall be from a list of



## SECTION 9

1 applicants whose qualifications have been certified by the state or local civil service  
2 agency under the rules of the agency. ~~Such~~ The municipality shall procure and keep  
3 at all times a complete set of standards of weight and measure conforming to the  
4 state standards, ~~and such standards shall be submitted~~ and shall submit the  
5 standards for certification at regular intervals as required by the department. ~~It~~ The  
6 municipality shall keep a complete record of its work and annually shall file a report  
7 thereof with the department. ~~Municipalities~~ The municipality may enact ordinances  
8 ~~regulating that regulate~~ weights and measures and that are not in conflict with this  
9 chapter or the rules of the department ~~and~~. The municipality may assess fees ~~which~~  
10 that do not exceed the actual cost of ~~the municipal~~ its weights and measures  
11 program.

12 **SECTION 10.** 98.04 (2) of the statutes is repealed and recreated to read:

13 98.04 (2) If a municipality is required to establish a department of weights and  
14 measures under sub. (1), the municipality may contract with the department to  
15 enforce the provisions of this chapter within the municipality's jurisdiction instead  
16 of establishing its own department. The department may charge the municipality  
17 fees sufficient to cover the department's costs under the contract. A municipality  
18 may recover an amount not to exceed the cost of these fees by assessing fees on the  
19 persons who receive services under the weights and measures program.

20 **SECTION 11.** 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27,  
21 section 2552f, is amended to read:

22 98.16 (2) (b) The fee for a license under par. (a) is ~~\$30~~ \$60, except that the  
23 department may establish a different fee by rule.

24 **SECTION 12.** 98.245 (7) (title) and (a) of the statutes are repealed and recreated  
25 to read:

1           98.245 (7) (title) METERS; LICENSING; FEES; TESTING. (a) In this subsection,  
2           “meter servicer” means a person licensed under s. 98.18 to inspect and test meters  
3           that are used to measure liquefied petroleum gas that is sold or delivered in a liquid  
4           form and by liquid measure.

5           **SECTION 13.** 98.245 (7) (ag) and (ar) of the statutes are created to read:

6           98.245 (7) (ag) *License required.* Beginning on the effective date of this  
7           paragraph .... [revisor inserts date], no person may operate a meter to measure  
8           liquefied petroleum gas that is for sale or delivery in liquid form and by liquid  
9           measure unless the person holds an annual license issued by the department for the  
10          meter. A separate license is required for each meter. A license is not transferable  
11          between persons or meters. A license expires on July 31 of each year.

12          (ar) *License application; fees.* 1. An applicant for the license required under  
13          par. (ag) shall apply on a form provided by the department. The license application  
14          shall be accompanied by the applicable fees under subds. 2. and 3.

15          2. Unless the department establishes a different fee by rule, the fee for an  
16          annual license required under par. (ag) is \$25 for each meter.

17          3. In addition to the license fee under subd. 2., an applicant shall pay a license  
18          fee surcharge of \$200 for a meter if the department determines that within one year  
19          before making the application the applicant operated the meter in violation of par.  
20          (ag). Payment of this surcharge does not relieve the applicant of any other civil or  
21          criminal liability that the applicant may incur because of the violation of par. (ag),  
22          but does not constitute evidence of a violation of a law.

23          **SECTION 14.** 98.245 (7) (b) 1. of the statutes is repealed and recreated to read:

24          98.245 (7) (b) 1. A person who is required to hold a license under par. (ag) for  
25          a meter shall have that meter inspected and tested annually by a meter servicer. The

1 meter servicer shall inspect and test the meter for accuracy according to the  
2 standards, specifications, tolerances and procedures that the department  
3 establishes by rule.

4 SECTION 15. 98.245 (7) (b) 2. of the statutes is amended to read:

5 98.245 (7) (b) 2. ~~A- Within 15 days after a meter servicer inspects and tests a~~  
6 ~~meter under subd. 1., the meter servicing company servicer shall file with report the~~  
7 ~~results to the department a report, for each meter, containing the results of the~~  
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9 ~~meter servicer fails to file the report within the 15 days, the department may assess~~  
10 ~~the meter servicer a fee of up to \$100 and may suspend or revoke the meter servicer's~~  
11 ~~license issued under s. 98.18.~~

12 SECTION 16. 98.245 (7) (b) 3. and 4. of the statutes are consolidated,  
13 renumbered 98.245 (7) (b) 3m. and amended to read:

14 98.245 (7) (b) 3m. If the department determines that a meter has not been  
15 inspected and tested under subd. 1. within the last year, the department shall notify  
16 ~~the owner. The owner shall have 30 days after being notified to have the meter tested.~~  
17 issue a written notice to the operator of the meter. ~~4. Within 30 days after the~~  
18 ~~operator received the notice, the operator shall have the meter inspected and tested~~  
19 ~~as required under subd. 1. If the owner operator fails to have the owner's meter~~  
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21 operator a fee of not more than up to \$100 for that meter and may suspend or revoke  
22 the operator's license issued under par. (ag) for that meter.

23 SECTION 17. 98.245 (7) (b) 5. of the statutes is repealed.

24 SECTION 9304. **Initial applicability; agriculture, trade and consumer**  
25 **protection.**



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0061/4dn

MGG:.....

1  
JG

Sarah Justus and Maryee Wong:

This draft reconciles LRB-0061/3 and LRB-0095/1. Both drafts should continue to appear in the compiled bill.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

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LRB-0061/4dn  
MGG:jlh:hmh

Tuesday, February 2, 1999

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0061/4  
MGG:kmg&jlg:hmh

DOA:.....Justus - Weights and measures changes

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*  
**COMMERCE AND ECONOMIC DEVELOPMENT**

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