



~~DOA~~
TODAY

/mr

DOA:.....Walker - Agricultural producer security

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

See pp. 9, 150, + 153

1 *DON'T
GEN. CAT.*
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

AGRICULTURE

AGRICULTURAL PRODUCER SECURITY

This bill changes the laws concerning milk contractors, grain dealers, grain warehouse keepers, and vegetable contractors (contractors). A milk contractor is a person who buys milk from milk producers or who markets milk on behalf of producers. A grain dealer is a person who buys grain from grain producers or who markets grain on behalf of producers. A grain warehouse keeper is a person who operates a warehouse in which the person stores grain that belongs to someone else. A vegetable contractor is a person who buys vegetables from vegetable producers for use in food processing or who markets processing vegetables on behalf of producers.

Under current law, this state requires certain contractors to post security with DATCP to provide payment in case the contractors default on payments to producers. This bill establishes a segregated fund, called the agricultural producer security fund (the fund), into which certain contractors must pay, and out of which DATCP provides payment to, producers when those contractors default on payments to producers. Under the bill, some contractors are still required to post security with DATCP. The statutory changes concerning agricultural producer security take effect during 2002, on February 1 for vegetable contractors, on May 1 for milk contractors, and on September 1 for grain dealers and warehouse keepers.

1 10. One person representing the Wisconsin Potato and Vegetable Growers
2 Association, Inc.

3 (b) Each organization identified in par. (a) shall nominate 2 persons to
4 represent that organization on the agricultural producer security council. The
5 secretary of agriculture, trade and consumer protection shall appoint members from
6 among the nominees.

autoref. A
in eff. dates

, as affected by 2001 Wisconsin Act...
(this act),

7 **SECTION 2.** 20.115 (1) (g) of the statutes is amended to read:

Insert
9-7

8 ~~20.115 (1) (g) Related services. The amounts in the schedule for the conduct of~~
9 ~~services related to food and trade regulation, including special and overtime meat~~
10 ~~inspection services under s. 97.42 (3), and investigative and audit services under ss.~~
11 ~~93.06 (6) (b), 100.06 (1g) (c) and 100.07 (1), but excluding services financed under~~
12 ~~pars. (gf) and (h). Except as provided in pars. (gf) and (h), all moneys received from~~
13 ~~authorized service fees related to food and trade regulation shall be credited to this~~
14 ~~appropriation.~~

15 **SECTION 3.** 20.115 (1) (gf) of the statutes is amended to read:

16 20.115 (1) (gf) *Fruit and vegetable inspection.* All moneys received for the
17 inspection of fruits and vegetables under ss. 93.06 (1m), and 93.09 (10) ~~and 100.03~~
18 ~~(3) (a) 1.~~ to carry out the purposes for which those moneys are received.

19 **SECTION 4.** 20.115 (1) (gm) of the statutes is amended to read:

20 20.115 (1) (gm) *Dairy and vegetable security and trade practices regulation.*
21 The amounts in the schedule for the regulation of ~~vegetable procurement under s.~~
22 ~~100.03, of dairy plant financial condition under s. 100.06 and of dairy trade practices~~
23 ~~under s. 100.201. All moneys received under ss. 100.03 (3) (a) 2. and 3., 100.06 (9)~~
24 ~~and s. 100.201 (6) shall be credited to this appropriation.~~

1 round the number to the nearest whole digit in the 6th decimal place to the right of
2 the decimal point. The amount of an assessment may be rounded to the nearest
3 whole dollar.

4 **126.90 Agricultural producer security council.** The agricultural producer
5 security council shall advise the department on the administration and enforcement
6 of this chapter. The council shall meet as often as the department considers
7 necessary, but at least once annually. The department shall inform the council of
8 fund balances and payments, and shall consult with the council before modifying any
9 license fee, license surcharge, or fund assessment under this chapter.

10 *Sub ref. "B"* **SECTION 32.** Chapter 127 of the statutes is repealed, *as affected by 2001 Wisconsin Act (this act),*

11 **SECTION 33.** 165.25 (4) (ar) of the statutes *is* amended to read:

✓
Insert
150-11

12 ~~165.25 (4) (ar) The department of justice shall furnish all legal services~~
13 ~~required by the department of agriculture, trade and consumer protection relating~~
14 ~~to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,~~
15 ~~100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.50 and 100.51 and~~
16 ~~chs. 126, 136, 344, 704, 707 and 779, together with any other services as are~~
17 ~~necessarily connected to the legal services.~~

18 **SECTION 34.** 221.0320 (2) (a) (intro.) of the statutes is amended to read:

19 221.0320 (2) (a) (intro.) A liability secured by warehouse receipts issued by
20 warehouse keepers licensed and bonded in this state under ss. 99.02 and 99.03 or
21 under the federal bonded warehouse act or holding a ~~registration certificate~~ license
22 under ~~ch. 127 s. 126.26~~, if all of the following requirements are met:

23 **SECTION 35.** 348.27 (10) of the statutes is amended to read:

24 348.27 (10) TRANSPORTATION OF GRAIN OR COAL OR IRON. The department may
25 issue annual or consecutive month permits for the transportation of loads of grain,

1 (1) WAREHOUSE KEEPER AND GRAIN DEALER FEES. The unencumbered balance in
2 the appropriation account under section 20.115 (1) (jm), 1999 stats., is transferred
3 to the agricultural producer security fund.

4 (2) DAIRY AND VEGETABLE PRODUCER SECURITY. From the unencumbered balance
5 in the appropriation account under section 20.115 (1) (gm), 1999 stats., the secretary
6 of administration shall transfer to the agricultural producer security fund the
7 amount that the secretary determines is derived from moneys received under section
8 100.03 (3) (a) 2., 1999 stats., section 100.03 (3) (a) 3., 1999 stats., and section 100.06
9 (9), 1999 stats.

10 **SECTION 9404. Effective dates; agriculture, trade and consumer**
11 **protection.**

12 (1) AGRICULTURAL PRODUCER SECURITY. The treatment of sections 15.137 (1),
13 20.115 (1) (g) (gf), (gm), (jm), (q), (v), (w), and (wb), 25.17 (1) (ag), 25.463, 165.25 (4)
14 (ar), 221.0320 (2) (a) (intro.), and 348.27 (10) and chapter 126 of the statutes and
15 SECTIONS 9104 (1) and 9204 (1) and (2) of this act take effect on January 1, 2002.

16 (2) VEGETABLE CONTRACTORS. The treatment of sections 93.135 (1) (rm), 93.50
17 (1) (g), 97.29 (4), 100.03, and 100.235 (1) (b) and (em), (2), (3), and (4) of the statutes
18 takes effect on February 1, 2002.

19 (3) MILK CONTRACTORS. The treatment of sections 97.20 (2) (d) 2. and (3m), 97.22
20 (10), 100.06, and 100.26 (5) of the statutes takes effect on May 1, 2002.

21 (4) GRAIN DEALERS AND WAREHOUSE KEEPERS. The treatment of sections 93.06 (8),
22 93.135 (1) (s) and (sm), 93.20 (1), 93.21 (5) (a), and 221.0320 (2) (a) (intro.) and
23 chapter 127 of the statutes takes effect on September 1, 2002.

24 (END)

Inset 9-2 ✓

DOA:.....Walker - Convert DATCP program revenue appropriations to continuing

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

AGRICULTURE

This bill changes several DATCP appropriations from annual to continuing. For further information see the *state* 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:

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

3 20.115 (1) (g) *Related services.* ~~The amounts in the schedule.~~ Except as provided
4 in pars. (gf) and (h), all moneys received from authorized service fees related to food
5 and trade regulation, for the conduct of services related to food and trade regulation,
6 including special and overtime meat inspection services under s. 97.42 (3), and
7 investigative and audit services under ss. 93.06 (6) (b), ~~100.06 (1g) (c)~~ and 100.07 (1),

plain



Inser 9-7, p. 2

1 but excluding services financed under pars. (gf) and (h). ~~Except as provided in pars.~~
2 ~~(gf) and (h), all moneys received from authorized service fees related to food and trade~~
3 ~~regulation shall be credited to this appropriation.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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

20.115 (1) (gh) *Public warehouse regulation.* ~~The amounts in the schedule~~ All moneys received under s. 99.02, for the administration and enforcement of ch. 99. All moneys received under s. 99.02 shall be credited to this appropriation.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 20.115 (1) (i) of the statutes is amended to read:

20.115 (1) (i) *Sale of supplies.* ~~The amounts in the schedule for the publication~~ All moneys received from the sale of food safety and consumer protection informational materials and supplies to be used for the publication of those materials and for the purchase for sale of such those informational supplies. All moneys received from the sale of those materials and supplies shall be credited to this appropriation.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 20.115 (2) (h) of the statutes is amended to read:

20.115 (2) (h) *Sale of supplies.* ~~The amounts in the schedule for the purchase for sale~~ All moneys received from the sale of publications and other informational material, and vaccines, identification tags, seals and tools for livestock and poultry. All moneys received from the sale of those materials and supplies shall be credited to this appropriation to be used for the purchase of those materials and supplies.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

~~###~~ numbers:

*~~LRB~~ Note: This is reconciled s. 20.115 (1) (g). This section has been affected by drafts with the following LRBs, ~~LRB 0392~~ = 0392 and - 0402.

Insert 150-11

1 necessary expenses of prosecution, including attorney fees, from any person who
2 violates this chapter. The department and the department of justice shall deposit in
3 the state treasury for deposit in the general fund all moneys that the court awards
4 to the department, the department of justice or the state under this section. Ten
5 percent of the money deposited in the general fund that was awarded under this
6 section for the costs of investigation and the expenses of prosecution, including
7 attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

8 SECTION 13. 165.25 (4) (ar) of the statutes is amended to read:

9 plain 165.25 (4) (ar) ~~At the request of the department of agriculture, trade and~~
10 plain ~~consumer protection, the department of justice shall~~ may furnish ~~all~~ legal services
11 ~~required by~~ to the department of agriculture, trade and consumer protection relating
12 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,
13 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, ^{100.37, 100.42,} and 100.51 and
14 ^{126,} chs. ^{plain} 136, 344, 704, 707 and 779, together with any other services as are necessarily
15 connected to the legal services.

16 SECTION 14. 704.90 (10) (c) of the statutes is amended to read:

17 704.90 (10) (c) Forfeitures under par. (a) shall be enforced by action on behalf
18 of the state by the department of justice agriculture, trade and consumer protection
19 or by the district attorney of the county where the violation occurs.

20 SECTION 9131. Nonstatutory provisions; justice.

21 (1) TRANSFER OF DEPARTMENT OF JUSTICE CONSUMER PROTECTION LEGAL SERVICES
22 TO THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
24 liabilities of the department of justice that are primarily related to the provision of
25 consumer protection legal services, as determined by the secretary of

***Note: This is reconciled s. 16 s. 25(4)(ar). This section has been
affected by drafts with the following LRB #'s: -0392, -0406, ^{and} -2156.
number

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0392/3dn

RCT: j:....

mg

Bill Walker :

This draft reconciles LRB-0392, LRB-0402, LRB-0406^v and LRB-2156. All of these drafts should continue to appear in the compiled bill.

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

LRB-0392/3dn
RCT:kmg:kjf

February 7, 2001

Bill Walker:

This draft reconciles LRB-0392, LRB-0402, LRB-0406, and LRB-2156. All of these drafts should continue to appear in the compiled bill.

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