



## 2003 ASSEMBLY BILL 148

March 13, 2003 - Introduced by Representatives WIECKERT, GUNDERSON, HINES, JESKEWITZ, MUSSER, GIELOW, M. LEHMAN, OLSEN, LADWIG, LOEFFELHOLZ, JENSEN, STONE, KRAWCZYK, OWENS, MCCORMICK, VRAKAS, ALBERS, HAHN, MILLER, AINSWORTH, SERATTI, BIES, VAN ROY and GROTHMAN, cosponsored by Senators COWLES, STEPP and ROESSLER. Referred to Committee on Urban and Local Affairs.

- 1     **AN ACT** *to renumber and amend* 98.04 (2); *to amend* 20.115 (1) (j), 97.30 (3m)  
2             (a) 3., 97.30 (3m) (b) 3. and 97.30 (3m) (c) 3.; and *to create* 98.04 (2) (b) of the  
3             statutes; **relating to:** the provision of weights and measures services.

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### *Analysis by the Legislative Reference Bureau*

Current law requires a city or village (municipality) with a population of more than 5,000 to establish a department of weights and measures to enforce state laws regulating instruments and devices for weighing and measuring. Alternatively, a municipality that is required to establish a department of weights and measures may enter into a contract with the Department of Agriculture, Trade and Consumer Protection (DATCP) to enforce the weights and measures laws within that municipality's jurisdiction. DATCP may charge the municipality fees to cover DATCP's costs under the contract, and the municipality may assess those fees on the persons who receive services under the weights and measures program.

Current law authorizes any municipality to contract with other municipalities for the joint exercise of any duty required by law. Consistent with current law, this bill provides that a municipality may, instead of establishing its own department of weights and measures or entering into a contract with DATCP, enter into a contract with another municipality or with a county to enforce the weights and measures laws.

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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) (a), 98.05 (5), 98.16, 98.18 and 98.245 (7) shall be credited to this  
6 appropriation.

7           **SECTION 2.** 97.30 (3m) (a) 3. of the statutes is amended to read:

8           97.30 (3m) (a) 3. An annual weights and measures inspection fee of \$45, except  
9 that this fee does not apply to a retail food establishment that is located in a  
10 municipality that has established a municipal department of weights and measures  
11 under s. 98.04 (1) or that recovers fees from the retail food establishment under s.  
12 98.04 (2) (a) or (b) for the purpose of enforcement of the provisions of ch. 98.

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

14           97.30 (3m) (b) 3. An annual weights and measures inspection fee of \$100,  
15 except that this fee does not apply to a retail food establishment that is located in a  
16 municipality that has established a municipal department of weights and measures  
17 under s. 98.04 (1) or that recovers fees from the retail food establishment under s.  
18 98.04 (2) (a) or (b) for the purpose of enforcement of the provisions of ch. 98.

19           **SECTION 4.** 97.30 (3m) (c) 3. of the statutes is amended to read:

20           97.30 (3m) (c) 3. An annual weights and measures inspection fee of \$25, except  
21 that this fee does not apply to a retail food establishment that is located in a

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1 municipality that has established a municipal department of weights and measures  
2 under s. 98.04 (1) or that recovers fees from the retail food establishment under s.  
3 98.04 (2) (a) or (b) for the purpose of enforcement of the provisions of ch. 98.

4 **SECTION 5.** 98.04 (2) of the statutes is renumbered 98.04 (2) (intro.) and  
5 amended to read:

6 98.04 (2) (intro.) A municipality that is required to establish a department of  
7 weights and measures under sub. (1) may ~~contract~~ do either of the following:

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

16 **SECTION 6.** 98.04 (2) (b) of the statutes is created to read:

17 98.04 (2) (b) Contract with another municipality or with a county under s.  
18 66.0301 to enforce the provisions of this chapter instead of establishing its own  
19 department.

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(END)