

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

LRB-1813/2dn  
RCT:wlj:pg

May 4, 2005

Erin Napralla:

This redraft is based on the proposed language that you provided on April 29. I added ss. 126.59 (1) (d) and 126.71 (3) (a) 5. to eliminate conflict within ch. 126.

I used the term "processing potatoes" to be consistent with the term "processing vegetables" used in ch. 126.

The proposed definition for potato buyer included "producer agent." I deleted that because the definition of "vegetable contractor" in s. 126.55 (14) includes producer agents. More fundamentally, though, by definition producer agents do not purchase vegetables. Therefore, if the intent is to cover producer agents, the definition of "processing potato buyer" must be expanded to cover more than those who purchase potatoes. Also, I limited coverage of the draft to those who only buy potatoes, not potatoes and other processing vegetables.

The proposed language would require a buyer who opts out to pay a fee of "not more than \$500." The draft needs to indicate the specific amount of the fee or how the amount would be established. In s. 126.56 (4) (f), I provided that the fee is \$500 unless DATCP establishes a lower amount by rule. Please let me know if this should be changed.

The proposed language required a buyer who opts out to include a statement in each contract. Because the draft contemplates that some contracts are not in writing, I required that a signed copy of the statement be provided in case of an unwritten contract. See s. 126.595 (1) (e).

The proposed language required a buyer who wants to opt back into the program to obtain a bond. Please let me know if the draft should allow the buyer to use other forms of financial security. See current s. 126.61 (4).

I am not an expert on the Perishable Agricultural Commodities Act (PACA). Please ask someone from DATCP to verify that the brief description of PACA in the analysis is accurate.

Please contact me with any questions or redraft instructions.

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