

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

LRB-1813/3dn  
RCT:wlj:rs

June 15, 2005

Vince Williams:

This is the redraft of the vegetable contractor bill.

The redraft instructions indicated that a contract between a vegetable producer and a nonparticipating processing potato buyer must contain a statement acknowledging that the state is not liable in case of default under the contract. To make this addition, I modified the language in proposed s. 126.595 (1) (e). Please review that provision and let me know if it is not satisfactory.

The redraft instructions indicated that I should add a section to the draft that explicitly exempts DATCP from liability due to a default by a nonparticipating processing potato buyer. Current s. 126.71 (3) (a) 4. prohibits DATCP from paying any portion of a claim against a contractor that is not a contributing contractor. This is the way that DATCP is protected from liability due to a default by any of the contractors that do not participate in the fund. I modified the definition of "contributing vegetable contractor" in s. 126.55 (4) to ensure that nonparticipating processing potato contractors are not considered to be contributing contractors and that s. 126.71 (3) (a) 4. applies to those potato processors. Any additional language about a lack of liability would be redundant and raise the issue of whether DATCP might be liable in case of default by other contractors that do not participate in the fund.

Please let me know if you have any questions or any additional redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)