

Tradewell, Becky

From: Weinglass, David
Sent: Friday, January 05, 2007 12:45 PM
To: Tradewell, Becky
Subject: RE: Drafting question

Ahhh yes, the good old Emergency Rule procedure. I think that's probably the path that we'll end up going down, but I'll want to speak early next week about some other changes as well, so we can discuss that then as well.

Thanks,
David

From: Tradewell, Becky
Sent: Thursday, January 04, 2007 8:37 AM
To: Weinglass, David
Subject: RE: Drafting question

David,

One thing that is often done is to give an agency authority to make emergency rules for a program. Emergency rules can be put into effect more quickly. They stay in effect for a limited time until the agency goes through the normal rule-making process. Another option that is used less often is to authorize an agency to administer a program notwithstanding the absence of rules for a specified period.

I will be out of the office for at least part of the day on Friday, but we can talk on Monday if I am not here when you try to reach me Friday.

Please let me know if you have other questions.

Becky

From: Weinglass, David
Sent: Wednesday, January 03, 2007 7:26 PM
To: Tradewell, Becky
Subject: Drafting question

Becky,

Re: Buy Local Buy Wisconsin p-draft. This is a question from DATCP:

Is there a way to ensure that the grant dissemination occurs in year one of the program? It is my understanding that administrative rulemaking could take up to 18 months following the approval of the bill. An administrator at DATCP suggested that there might be a way to waive the rule making for year one of the grants.

Also, we will be having our proposal announcement tomorrow and should have additional drafting changes that we'd like you to make shortly. I'll likely want to talk with you on Friday about that.

Thanks,
David

David Weinglass
Office of State Senator Julie Lassa
State Capitol, Room 323 South
P.O. Box 7882
Madison, WI 53707-7882
1-800-925-7491 toll-free, (608) 266-3123 local
(608) 267-6797 fax

Tradewell, Becky

From: Weinglass, David
Sent: Wednesday, January 10, 2007 2:28 PM
To: Tradewell, Becky
Subject: Buy Local Buy Wisconsin draft

Attachments: Bill Draft language, tentative 1-10-07.doc; Revised Budget.xls

Becky,

Here's a copy of the bill draft language we've worked out with DATCP to better describe the program, outline grant eligibility, and addressed other concerns from the original language. Please note that the dollar amount for the grants have been increased, but that the overall program cost will stay the same because the non-grant program costs were reduced by an equal amount. You can see the changes made to the program cost in the attached spreadsheet. Please also include language that we discussed allowing for DATCP to create Emergency Rules related to the program (so that they may be awarding some grants even if the Administrative Rule process is ongoing and preventing the program from getting underway).

As you are working on this, I would like to hear your thoughts about the new version and see if you think there may be any outstanding areas of concern for what we are trying to accomplish. We would appreciate an expedited turnaround on this since the Senator is anxious to circulate it for co-sponsorship.

Thanks again,
David Weinglass



Bill Draft language, Revised Budget.xls
tentative... (22 KB)

David Weinglass

Office of State Senator Julie Lassa
State Capitol, Room 323 South
P.O. Box 7882
Madison, WI 53707-7882
1-800-925-7491 toll-free, (608) 266-3123 local
(608) 267-6797 fax

AN ACT *to create* 20.115 (4) (am), 93.45 and 93.455 of the statutes; **relating to:** marketing agricultural products, a grant program to promote purchase of food and related products produced locally, and making appropriations.

Analysis by the Legislative Reference Bureau

The bill increases the appropriation in 20.115 (3) (a) by \$325,000 for FY 07-08 and by \$325,000 for FY 08-09 to provide funding for 2.0 FTE positions in the department of agriculture, trade and consumer protection (DATCP) and related operating expenses for product promotion and administration of a buy local grant program.

The bill directs DATCP to conduct a program to promote the purchase of locally produced agricultural products with emphasis upon food and cultural tourism trail development and regional food system development.

The bill creates a buy local grant program in DATCP to promote the local sale and purchase of agricultural products. \$450,000 is provided each biennium to make grants under the program. Grants may be used for organization, promotion, education and marketing expenses related to regional food and cultural trails, regional food systems, food distribution and processing facilities for locally grown foods and related products, local producer networks and to creating and maintaining connections between producers, retailers, institutions and consumers in proximity to the producers.

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purpose indicated:

	2007-08	2008-09
20.115 Agriculture, trade and consumer		
Protection, department of		
(4) AGRICULTURAL ASSISTANCE		
(am) Buy local grants	GPR B 225,000	225,000

SECTION 2. 20.115 (4) (am) of the statutes is created to read:

20.115 (4) (am) *Buy local grants.* Biennially, the amounts in the schedule for buy local grants under s. 93.48.

SECTION 3. 93.45 of the statutes is created to read:

93.45 Buy local buy Wisconsin. The department shall conduct a program to increase awareness, production, distribution and consumption of locally produced foods and related products. The department shall promote locally produced and consumed agricultural products with emphasis on food and cultural tourism trail development and regional food system development.

SECTION 4. 93.455 of the statutes is created to read:

93.455 Buy local grant program (1) The department may award grants from the appropriation under s. 20.115 (4) (am) to individuals or organizations to fund projects designed to increase the sale of agricultural products grown in this state that are purchased in close proximity to where they are produced.

(2) Grants made under this section shall be for any of the following:

(a) To promote, support and create regional food and cultural trails.

such as

(b) To support activities which address regional food system development, which create or expand food distribution and processing facilities for locally grown foods and related products, which create or support networks of producers and which strengthen connections between producers, retailers, institutions and consumers in proximity to the producers.

(3) Grant funds may be used by recipients for organization, promotion, education and marketing expenses related to the projects described in sub. (2).

(4) The department shall provide technical assistance to persons and entities engaged in buy local activities.

SECTION 5. Fiscal changes.

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (3) (a) of the statutes, as affected by the acts of 2007, the dollar amount is increased by \$325,000 for fiscal year 2007-08 and the dollar amount is increased by \$325,000 for fiscal year 2008-09 to increase the authorized FTE positions for the department by 2.0 GPR positions and for related costs for agricultural product promotion and administering a buy local grant program.

SECTION 6. Effective date.

(1) This act takes effect on the day after publication or on the day after publication of the 2007-09 biennial budget act, whichever is later.

Current

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	% of Total
Personnel	\$ 144,150	\$ 147,033	\$ 149,973	\$ 152,973	\$ 156,033	26%
Supplies	\$ 30,000	\$ 40,000	\$ 60,000	\$ 40,000	\$ 30,000	
Marketing	\$ 30,000	\$ 30,000	\$ 25,000	\$ 22,000	\$ 20,000	
Evaluation	\$ 10,000	\$ 15,000	\$ 20,000	\$ 20,000	\$ 20,000	
Education	\$ 30,850	\$ 62,967	\$ 40,027	\$ 60,027	\$ 18,967	
IT	\$ 125,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 125,000	
Grants	\$ 180,000	\$ 180,000	\$ 180,000	\$ 180,000	\$ 180,000	33%
Total	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	

Reco 2

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	% of Total
Personnel	\$ 144,150	\$ 147,033	\$ 149,973	\$ 152,973	\$ 156,033	26%
Supplies	\$ 30,000	\$ 35,000	\$ 35,000	\$ 33,000	\$ 30,000	
Marketing	\$ 40,000	\$ 35,000	\$ 27,000	\$ 27,000	\$ 25,000	
Evaluation	\$ 10,000	\$ 15,000	\$ 20,000	\$ 20,000	\$ 20,000	
Education	\$ 30,850	\$ 52,967	\$ 53,027	\$ 52,027	\$ 23,967	
IT	\$ 70,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 70,000	
Grants	\$ 225,000	\$ 225,000	\$ 225,000	\$ 225,000	\$ 225,000	41%
Total	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	\$ 550,000	

Total 5 yr

\$	750,162
\$	200,000
\$	127,000
\$	85,000
\$	212,838
\$	475,000
\$	900,000

\$ 2,750,000

Total 5 yr

\$	750,162
\$	163,000
\$	154,000
\$	85,000
\$	212,838
\$	260,000
\$	1,125,000

\$ 2,750,000



State of Wisconsin
2007 - 2008 LEGISLATURE

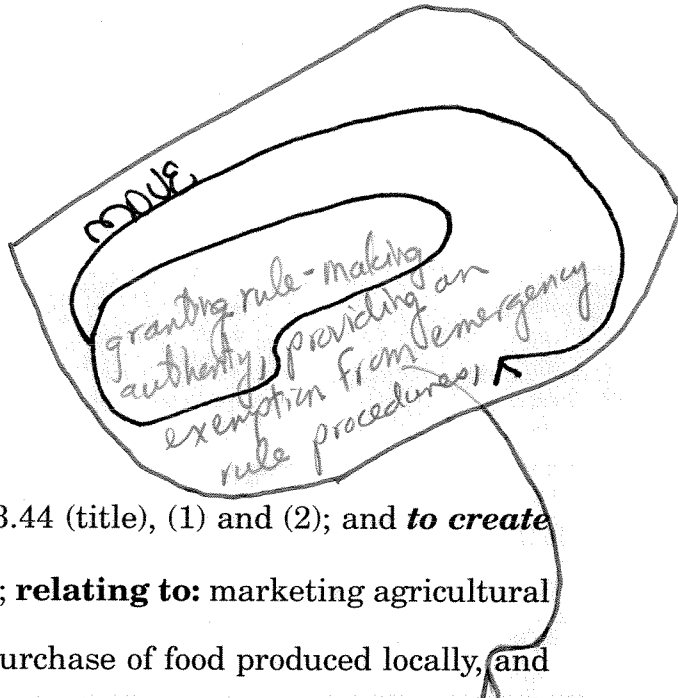
LRB-1160/1

RCT:jld:pg

Wanted Tues 1/16, if possible

rmv

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



regenerate

1 AN ACT to repeal 93.44 (3); to amend 93.44 (title), (1) and (2); and to create
2 20.115 (4) (am) and 93.48 of the statutes; relating to: marketing agricultural
3 products, a grant program to promote purchase of food produced locally, and
4 making appropriations.

Analysis ✓
insert →

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:

5 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
6 the following amounts for the purposes indicated:

1 2007-08 2008-09

2 **20.115 Agriculture, trade and consumer**
3 **protection, department of**

4 (4) AGRICULTURAL ASSISTANCE

5 (am) Buy local grants GPR B ^{225,000} ~~180,000~~ ^{225,000} ~~180,000~~

6 SECTION 2. 20.115 (4) (am) of the statutes is created to read:

7 20.115 (4) (am) *Buy local grants*. Biennially, the amounts in the schedule for
8 buy local grants under s. 93.48.

9 SECTION 3. 93.44 (title), (1) and (2) of the statutes are amended to read:

10 **93.44 (title) ~~Commodity promotion~~ Agricultural market development.**

11 (1) The department shall initiate and support market development projects to that
12 promote ~~commodities~~ agricultural products that are grown and produced in this
13 state.

14 (2) The department shall allow all products ~~and commodities~~ produced or
15 manufactured in this state that meet the standards established by the department
16 to be included in the department's promotional campaign that uses the phrase
17 "Something Special from Wisconsin", for which phrase ~~is a certified mark that is~~
18 registered ~~the department may seek trademark registration~~ under federal law. The
19 department may establish standards to be used to prohibit or limit the use of the
20 ~~certified mark~~ phrase to preserve its marketing value and significance. The
21 standards may prohibit or limit the use of the ~~certified mark~~ phrase "Something
22 Special from Wisconsin" based upon the grade ~~or~~ quality of a product ~~or~~ commodity
23 and the standards may prohibit the use of the ~~certified mark~~ phrase by a product ~~or~~

1 commodity which that imitates a product or commodity for which there is a standard
2 of identity established under state or federal law.

3 **SECTION 4.** 93.44 (3) of the statutes is repealed.

4 **SECTION 5.** 93.48 of the statutes is created to read:

5 **93.48 Buy local grant program.** The department may award grants from
6 the appropriation under s. 20.115 (4) (am) to individuals or organizations ^{to fund} for projects
7 that are designed to increase the sale of ^{agricultural products} food grown in this state that is produced in ^{are purchased} in
8 close proximity to where it is consumed. ^{they are produced.} The department

9 **SECTION 6. Fiscal changes.**

10 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
11 to the department of agriculture, trade and consumer protection under section
12 20.115 (3) (a) of the statutes, as affected by the acts of 2007, the dollar amount is
13 increased by \$³225,000 for fiscal year 2007-08 and the dollar amount is increased by
14 \$³225,000 for fiscal year 2008-09 to increase the authorized FTE positions for the
15 department by 2.0 GPR positions and for related costs for agricultural product
16 promotion and administering a buy local grant program.

17 **SECTION 7. Effective date.**

18 (1) This act takes effect on the day after publication or on the day after
19 publication of the 2007-09 biennial budget act, whichever is later.

20 (END)

✓
Insert
3-3

✓
Insert
3-8

5

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20

are purchased

they are produced. The department shall promulgate rules for the program under this section

Analysis Insert

Various provisions in current law require the Department of Agriculture, Trade and Consumer Protection (DATCP) to promote the agricultural products of this state.

This bill requires DATCP to conduct a program to increase awareness and consumption of locally produced foods and related products and to increase the production and improve the distribution of foods and related products for local consumption. The bill also creates a grant program under which DATCP provides grants for regional food and cultural tourism trails and for promoting the development of regional food systems through activities such as creating or expanding facilities for the processing and distribution of food for local consumption.

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

Insert 3-3

SECTION 1. 93.45 of the statutes is created to read:

93.45 Buy local, buy Wisconsin. The department shall conduct a program to increase awareness and consumption of locally produced foods and related products and to increase the production and improve the distribution of foods and related products for local consumption. In the program, the department shall emphasize the development of regional food and cultural tourism trails and the development of regional food systems through activities such as creating or expanding facilities for the processing and distribution of food for local consumption; creating or supporting networks of producers; and strengthening connections between producers, retailers, institutions, and consumers and nearby producers.

Insert 3-8

(2) The department may make grants under this section for any of the following purposes:

(a) To create, promote, and support regional food and cultural tourism trails.

(b) To promote the development of regional food systems[✓] through activities such as creating or expanding facilities for the processing and distribution of food for local consumption; creating or supporting networks of producers;[✓] and strengthening connections between producers, retailers, institutions, and consumers and nearby producers.[✓]

SECTION 2. Nonstatutory provisions.

(1) EMERGENCY RULES.[✓] The department of agriculture, trade and consumer protection may promulgate emergency rules under section[✓] 227.24 of the statutes implementing section 93.48[✓] of the statutes, as created by this act. Notwithstanding section[✓] 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until the first day of the nineteenth^{e 19th} month beginning after the effective date of this subsection or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section[✓] 227.24 (1) (a) and (3) of the statutes, the department[✓] ^{of agriculture, trade and consumer protection} is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.[✓]



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1160/2

RCT:jld:jf

Wanted Tues, 1/15

MR

2007 BILL

Regen

1 AN ACT *to create* 20.115 (4) (am), 93.45 and 93.48 of the statutes; **relating to:**
2 marketing agricultural products, a grant program to promote purchase of food
3 produced locally, providing an exemption from emergency rule procedures,
4 granting rule-making authority, and making appropriations.

Analysis by the Legislative Reference Bureau

Various provisions in current law require the Department of Agriculture, Trade and Consumer Protection (DATCP) to promote the agricultural products of this state.

This bill requires DATCP to conduct a program to increase awareness and consumption of locally produced foods and related products and to increase the production and improve the distribution of foods and related products for local consumption. The bill also creates a grant program under which DATCP provides grants for regional food and cultural tourism trails and for promoting the development of regional food systems through activities such as creating or expanding facilities for the processing and distribution of food for local consumption.

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:

BILL**SECTION 1**

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

	2007-08	2008-09
3		
4	20.115 Agriculture, trade and consumer	
5	protection, department of	

6 (4) AGRICULTURAL ASSISTANCE

7	(am) Buy local grants	GPR	B	225,000	225,000
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8 **SECTION 2.** 20.115 (4) (am) of the statutes is created to read:

9 20.115 (4) (am) *Buy local grants.* Biennially, the amounts in the schedule for
10 buy local grants under s. 93.48.

11 **SECTION 3.** 93.45 of the statutes is created to read:

12 **93.45 Buy local, buy Wisconsin.** The department shall conduct a program
13 to increase awareness and consumption of locally produced foods and related
14 products and to increase the production and improve the distribution of foods and
15 related products for local consumption. In the program, the department shall
16 emphasize the development of food regional and cultural tourism trails and the
17 development of regional food systems through activities such as creating or
18 expanding facilities for the processing and distribution of food for local consumption;
19 creating or supporting networks of producers; and strengthening connections
20 between producers, retailers, institutions, and consumers and nearby producers.

21 **SECTION 4.** 93.48 of the statutes is created to read:

22 **93.48 Buy local grant program. (1)** The department may award grants from
23 the appropriation under s. 20.115 (4) (am) to individuals or organizations to fund
24 projects that are designed to increase the sale of agricultural products grown in this

BILL

1 state that are purchased in close proximity to where they are produced. The
2 department shall promulgate rules for the program under this section.

3 (2) The department may make grants under this section for any of the following
4 purposes:

5 (a) To create, promote, and support regional food and cultural tourism trails.

6 (b) To promote the development of regional food systems through activities
7 such as creating or expanding facilities for the processing and distribution of food for
8 local consumption; creating or supporting networks of producers; and strengthening
9 connections between producers, retailers, institutions, and consumers and nearby
10 producers.

SECTION 5. Nonstatutory provisions.

11
12 (1) EMERGENCY RULES. The department of agriculture, trade and consumer
13 protection may promulgate emergency rules under section 227.24 of the statutes
14 implementing section 93.48 of the statutes, as created by this act. Notwithstanding
15 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
16 subsection remain in effect until the first day of the 19th month beginning after the
17 effective date of this subsection or the date on which permanent rules take effect,
18 whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,
19 the department of agriculture, trade and consumer protection is not required to
20 provide evidence that promulgating a rule under this subsection as an emergency
21 rule is necessary for the preservation of public peace, health, safety, or welfare and
22 is not required to provide a finding of emergency for a rule promulgated under this
23 subsection.

SECTION 6. Fiscal changes.

Barman, Mike

From: Weinglass, David
Sent: Tuesday, January 16, 2007 5:13 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1160/2 Topic: Buy local and buy Wisconsin program

Please Jacket LRB 07-1160/2 for the SENATE.