



2011 SENATE BILL 349

December 27, 2011 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Agriculture, Forestry, and Higher Education.

1 **AN ACT** *to consolidate, renumber and amend* 98.16 (1) (intro.) and (b); and
2 *to amend* 92.06 (1) (b) 2., 94.681 (6) (a) 2., 95.51 (5) (a), 98.16 (2) (cm) 1. and
3 98.16 (4) of the statutes; **relating to:** the confidentiality of information related
4 to exemptions from the requirement to register livestock premises;
5 membership of county land conservation committees; vehicle scale operators;
6 and changing a reporting requirement for pesticide sales (suggested as
7 remedial legislation by the Department of Agriculture, Trade and Consumer
8 Protection).

Analysis by the Legislative Reference Bureau

Current law generally requires a person who keeps livestock at premises in this state to register the premises with the Department of Agriculture, Trade and Consumer Protection (DATCP). The law provides that information provided by a person to register livestock premises is confidential, except in limited situations. Current law also authorizes DATCP to specify exemptions from the requirement to register livestock premises.

This bill provides that information provided by a person to request an exemption from the requirement to register livestock premises is confidential, except in the limited situations specified under the current livestock premises registration law.

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Current law provides for the creation of county land conservation committees to be composed of certain designated members, including members of the county board. Current law also requires the chairperson of the county agricultural stabilization and conservation committee, created under federal law, to serve on the county land conservation committee. Federal law no longer authorizes the creation of county agricultural stabilization and conservation committees but, instead, authorizes the creation of county farm service agency committees. This bill replaces the member who was the chairperson of the county agricultural stabilization and conservation committee with the person who is the chairperson of the county farm service agency committee authorized under federal law.

Under current law, DATCP licenses persons who operate vehicle scales. Current law specifies that the license fee is \$100, except that DATCP may specify a different amount by rule. This bill eliminates the statutory \$100 license fee and provides that DATCP specifies the amount of the fee by rule.

This bill makes a technical correction related to the requirement for reporting pesticide sales for the year in which a pesticide manufacturer or labeler stops selling pesticides.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Agriculture, Trade and Consumer Protection and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 92.06 (1) (b) 2. of the statutes is amended to read:

2 92.06 (1) (b) 2. The county board shall appoint to the land conservation
3 committee a person who is the chairperson of the county ~~agricultural stabilization~~
4 ~~and conservation~~ farm service agency committee created under 16 USC 590h (b) or
5 other county ~~agricultural stabilization and conservation~~ farm service agency
6 committee member designated by the chairperson of the county ~~agricultural~~
7 ~~stabilization and conservation~~ farm service agency committee.

NOTE: SECTION 1 requires a county board to appoint to the county land conservation committee the chairperson of the county farm service agency committee or another member of that committee designated by the chairperson. Current law refers to this

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person as the chairperson of the county agricultural stabilization and conservation committee. This SECTION modifies the term to conform to current federal law.

1 **SECTION 2.** 94.681 (6) (a) 2. of the statutes is amended to read:

2 94.681 **(6)** (a) 2. By March 31 of the year following the year in which the person
3 stopped selling or distributing the pesticide product for use in this state, file a report
4 with the department showing the gross revenue that the person derived from the sale
5 of the pesticide product for use in this state from October 1 of the year ~~before the year~~
6 in which the person stopped selling or distributing the pesticide product to December
7 31 of the year in which the person stopped selling or distributing the pesticide
8 product.

NOTE: SECTION 2 requires a report for pesticide sales for the year in which a pesticide manufacturer or labeler stops selling pesticides to report gross revenue from October 1 of the year in which the person stopped selling or distributing the pesticide product, instead of October 1 of the year before the year in which they stopped such sales or distributions, to December 31 of the year in which they stopped.

9 **SECTION 3.** 95.51 (5) (a) of the statutes is amended to read:

10 95.51 **(5)** (a) Information that a person is required to provide to the department
11 under sub. (2) and information that a person is required to provide to the department
12 to request an exemption under sub. (3m) is not subject to public inspection under s.
13 19.35. Except as provided in pars. (b) and (c), the department may not disclose
14 information provided under sub. (2) or provided to request an exemption under sub.
15 (3m) to any other person or agency.

NOTE: SECTION 3 provides that DATCP must keep confidential information that a person is required to provide to DATCP to request an exemption relating to the requirement to register livestock except in the situations provided under the current livestock premises registration law relating to confidentiality of information.

16 **SECTION 4.** 98.16 (1) (intro.) and (b) of the statutes are consolidated,
17 renumbered 98.16 (1) and amended to read:

18 98.16 **(1)** DEFINITIONS. In this section: ~~(b)~~—“Vehicle “vehicle scale” means a
19 commercial scale that is designed to weigh loaded or unloaded highway, farm or

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1 industrial vehicles, except that it does not include a scale that is operated exclusively
2 by this state.

NOTE: SECTION 4 consolidates a definition and the introduction to the definition because the statute contains only one definition.

3 **SECTION 5.** 98.16 (2) (cm) 1. of the statutes is amended to read:

4 98.16 (2) (cm) 1. A license fee. ~~The fee for a license under this subsection is~~
5 ~~\$100, except that the department may establish a different fee in the amount~~
6 specified by the department by rule promulgated under sub. (4).

NOTE: SECTION 5 modifies the license fee for persons who operate vehicle scales to require a license fee in the amount specified by DATCP by rule. Under current law the fee is \$100, except that DATCP may establish a different fee by rule.

7 **SECTION 6.** 98.16 (4) of the statutes is amended to read:

8 98.16 (4) RULES. The department shall promulgate rules to regulate the
9 construction, operation, testing, and maintenance of vehicle scales, including a rule
10 specifying the amount of the fee under sub. (2) (cm) 1. The department may
11 promulgate rules to adjust fees and surcharges under subs. (2) (cm) ~~1. and 2.~~ and (2m)
12 (a) and (b) and to impose a testing surcharge upon a vehicle scale operator if the
13 operator fails to file a vehicle scale test report as required by a rule promulgated by
14 the department under this subsection.

NOTE: SECTION 6 requires DATCP to promulgate a rule specifying the amount of the license fee for vehicle scale operators.

15 (END)