



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-4383/1  
MCP:ahe&amn

## 2015 SENATE BILL 551

January 12, 2016 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Senate Organization.

1     **AN ACT** *to repeal* 94.701 (4) (a) 1.; *to renumber* 94.701 (4) (a) 2.; and *to amend*  
2           15.137 (1) (a) 4., 15.137 (1) (a) 9., 20.115 (1) (h), 71.07 (5j) (a) 2d., 71.07 (5j) (a)  
3           2m., 71.28 (5j) (a) 2d., 71.28 (5j) (a) 2m., 71.47 (5j) (a) 2d., 71.47 (5j) (a) 2m., 93.18  
4           (5), 100.60 (1) (a), 100.60 (1) (b) 2., 100.60 (1) (c) 2., 100.60 (7), 167.35 (3) (a) 1.,  
5           168.04 (3), 168.07 (2), 168.14 (2m) (b) 3., 168.14 (2m) (c) 3., 185.99 (6), 299.11  
6           (8) (d) and 346.45 (1) (d) of the statutes; **relating to:** Agricultural Producer  
7           Security Council members, expenses for inspection and certification of grain,  
8           the American Society for Testing and Materials, service of process for the  
9           Department of Agriculture, Trade and Consumer Protection, eliminating a  
10          reporting requirement for local ordinances relating to pesticides, and making  
11          an appropriation (suggested as remedial legislation by the Department of  
12          Agriculture, Trade and Consumer Protection).

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***Analysis by the Legislative Reference Bureau***

This bill updates the names of two organizations that must be represented as members of the Agricultural Producer Security Council in the Department of

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Agriculture, Trade and Consumer Protection. The bill updates Wisconsin Agri-Service Association, Inc. to Wisconsin Agri-Business Association, Inc., and updates Wisconsin Federation of Cooperatives to Cooperative Network.

The bill also makes changes to an appropriation to DATCP regarding moneys received for the inspection and certification of grain received in or shipped from the port of Milwaukee, the port of Superior, or other locations in the state. The bill removes the port of Milwaukee and other locations in the state from this appropriation.

In addition, this bill allows service of process from DATCP to be made by registered mail to the address that the party provided to DATCP or the Department of Financial Institutions, which is the department responsible for filing business organization documents. Under current law, service may be made by registered mail to the address that the party provided to DATCP or the secretary of state.

The bill also updates the name of the American Society for Testing and Materials to ASTM International. Under current law, standards set by that organization are used in relation to designating certain fuels as diesel-replacement and gas-replacement renewable fuels, to offering fuel pump tax credits for certain renewable fuels, to inspecting gasoline and other petroleum products, to advertising fuel as biodiesel, to testing cigarettes for compliance with fire safety performance standards, to registering laboratories to perform tests in connection with certain programs, and to determining certain cargo tank motor vehicle that must stop before crossing railroad tracks.

Finally, this bill eliminates the requirement under current law that a city, village, town, or county, no later than March 1, 1994, provide DATCP with a copy of any ordinance relating to pesticides that was enacted prior to December 29, 1993.

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.** 15.137 (1) (a) 4. of the statutes is amended to read:
- 2           15.137 (1) (a) 4. One person representing the Wisconsin Agri-Service
- 3           Agri-Business Association, Inc.

NOTE: Changes the name of the Wisconsin Agri-Service Association, Inc. to Wisconsin Agri-Business Association, Inc.

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1           **SECTION 2.** 15.137 (1) (a) 9. of the statutes is amended to read:

2           15.137 (1) (a) 9. One person representing the ~~Wisconsin Federation of~~  
3           ~~Cooperatives~~ Cooperative Network.

4           **SECTION 3.** 20.115 (1) (h) of the statutes is amended to read:

5           20.115 (1) (h) *Grain inspection and certification.* All moneys received for the  
6           inspection and certification of grain received in or shipped from the ~~port of~~  
7           ~~Milwaukee~~, the port of Superior or other locations in this state under s. 93.06 (1m)  
8           and all moneys transferred under s. 16.56, for the expenses of inspecting and  
9           certifying grain under s. 93.06 (1m).

NOTE: Under current law, the Department of Agriculture, Trade and Consumer Protection has authority to provide official grain inspection and certification services in the port of Superior. SECTION 3 removes references to department inspection and certification of grain received in or shipped from the port of Milwaukee and all other locations.

10           **SECTION 4.** 71.07 (5j) (a) 2d. of the statutes, as affected by 2015 Wisconsin Act  
11           55, is amended to read:

12           71.07 (5j) (a) 2d. “Diesel replacement renewable fuel” includes biodiesel and  
13           any other fuel derived from a renewable resource that meets all of the applicable  
14           requirements of the American Society for Testing and Materials ASTM International  
15           for that fuel and that the department of agriculture, trade and consumer protection  
16           designates by rule as a diesel replacement renewable fuel.

17           **SECTION 5.** 71.07 (5j) (a) 2m. of the statutes, as affected by 2015 Wisconsin Act  
18           55, is amended to read:

19           71.07 (5j) (a) 2m. “Gasoline replacement renewable fuel” includes ethanol and  
20           any other fuel derived from a renewable resource that meets all of the applicable  
21           requirements of the American Society for Testing and Materials ASTM International

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1 for that fuel and that the department of agriculture, trade and consumer protection  
2 designates by rule as a gasoline replacement renewable fuel.

3 **SECTION 6.** 71.28 (5j) (a) 2d. of the statutes, as affected by 2015 Wisconsin Act  
4 55, is amended to read:

5 71.28 (5j) (a) 2d. “Diesel replacement renewable fuel” includes biodiesel and  
6 any other fuel derived from a renewable resource that meets all of the applicable  
7 requirements of the American Society for Testing and Materials ASTM International  
8 for that fuel and that the department of agriculture, trade and consumer protection  
9 designates by rule as a diesel replacement renewable fuel.

10 **SECTION 7.** 71.28 (5j) (a) 2m. of the statutes, as affected by 2015 Wisconsin Act  
11 55, is amended to read:

12 71.28 (5j) (a) 2m. “Gasoline replacement renewable fuel” includes ethanol and  
13 any other fuel derived from a renewable resource that meets all of the applicable  
14 requirements of the American Society for Testing and Materials ASTM International  
15 for that fuel and that the department of agriculture, trade and consumer protection  
16 designates by rule as a gasoline replacement renewable fuel.

17 **SECTION 8.** 71.47 (5j) (a) 2d. of the statutes is amended to read:

18 71.47 (5j) (a) 2d. “Diesel replacement renewable fuel” includes biodiesel and  
19 any other fuel derived from a renewable resource that meets all of the applicable  
20 requirements of the American Society for Testing and Materials ASTM International  
21 for that fuel and that the department of safety and professional services designates  
22 by rule as a diesel replacement renewable fuel.

23 **SECTION 9.** 71.47 (5j) (a) 2m. of the statutes is amended to read:

24 71.47 (5j) (a) 2m. “Gasoline replacement renewable fuel” includes ethanol and  
25 any other fuel derived from a renewable resource that meets all of the applicable

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1 requirements of the American Society for Testing and Materials ASTM International  
2 for that fuel and that the department of safety and professional services designates  
3 by rule as a gasoline replacement renewable fuel.

4 **SECTION 10.** 93.18 (5) of the statutes is amended to read:

5 93.18 (5) Complaint, notice, order or other process of the department may be  
6 served as may be a summons, and a subpoena as provided by s. 885.03, and either  
7 may be served by registered mail to an address furnished by the person or concern  
8 to either the department or the ~~secretary of state~~ department of financial  
9 institutions. Service may be proved by affidavit. Service in any event may be also  
10 by registered mail addressed to the person or concern and proved by the post-office  
11 return receipt, in which case the time of service is the date borne by the receipt.

NOTE: Allows service of process from the Department of Agriculture, Trade and  
Consumer Protection to be made by registered mail to the address that the party provided  
to the Department of Agriculture, Trade and Consumer Protection or the Department of  
Financial Institutions. Under current law, service may be made by registered mail to the  
address that the party provided to the Department of Agriculture, Trade and Consumer  
Protection or the secretary of state.

12 **SECTION 11.** 94.701 (4) (a) 1. of the statutes is repealed.

NOTE: Repeals the statute that requires the Department of Agriculture, Trade and  
Consumer Protection to collect a copy of any ordinance relating to pesticides that was  
enacted prior to December 29, 1993.

13 **SECTION 12.** 94.701 (4) (a) 2. of the statutes is renumbered 94.701 (4) (a).

NOTE: Renumbers s. 94.701 (4) (a) 2., stats., to reflect the change made in SECTION  
11.

14 **SECTION 13.** 100.60 (1) (a) of the statutes is amended to read:

15 100.60 (1) (a) “Biodiesel” means a fuel that is comprised of monoalkyl esters  
16 of long chain fatty acids derived from vegetable oils or animal fats and that meets all  
17 of the applicable requirements of the American Society for Testing and Materials  
18 ASTM International.

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1           **SECTION 14.** 100.60 (1) (b) 2. of the statutes, as affected by 2015 Wisconsin Act  
2 55, is amended to read:

3           100.60 (1) (b) 2. Any other fuel that can substitute for petroleum-based diesel  
4 fuel, that is derived from a renewable resource, that meets all of the applicable  
5 requirements of ~~the American Society for Testing and Materials~~ ASTM International  
6 for that fuel, and that the department designates as a diesel-replacement renewable  
7 fuel under sub. (7) (a).

8           **SECTION 15.** 100.60 (1) (c) 2. of the statutes, as affected by 2015 Wisconsin Act  
9 55, is amended to read:

10           100.60 (1) (c) 2. Any other fuel that can substitute for gasoline, that is derived  
11 from a renewable resource, that meets all of the applicable requirements of ~~the~~  
12 ~~American Society for Testing and Materials~~ ASTM International for that fuel, and  
13 that the department designates as a gasoline-replacement renewable fuel under  
14 sub. (7) (b).

15           **SECTION 16.** 100.60 (7) of the statutes, as affected by 2015 Wisconsin Act 55,  
16 is amended to read:

17           100.60 (7) RULES. (a) The department may promulgate a rule designating a  
18 fuel that can substitute for petroleum-based diesel fuel, that is derived from a  
19 renewable resource, and that meets all of the applicable requirements of ~~the~~  
20 ~~American Society for Testing and Materials~~ ASTM International for that fuel as a  
21 diesel-replacement renewable fuel for the purposes of this section.

22           (b) The department may promulgate a rule designating a fuel that can  
23 substitute for gasoline, that is derived from a renewable resource, and that meets all  
24 of the applicable requirements of ~~the American Society for Testing and Materials~~

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1 ASTM International for that fuel as a gasoline-replacement renewable fuel for the  
2 purposes of this section.

3 **SECTION 17.** 167.35 (3) (a) 1. of the statutes is amended to read:

4 167.35 (3) (a) 1. The testing shall be conducted in accordance with the standard  
5 test method for measuring the ignition strength of cigarettes established by the  
6 ~~American Society for Testing and Materials~~ ASTM International standard  
7 E2187-04. The department may adopt a substitute test method that is different from  
8 the standard test method, if the department finds that the substitute test method  
9 does not result in a change in the percentage of full-length burns exhibited by any  
10 tested cigarette when compared to the percentage of full-length burns the same  
11 cigarette would exhibit when tested in accordance with the standard test method.

12 **SECTION 18.** 168.04 (3) of the statutes is amended to read:

13 168.04 (3) Except as otherwise provided in this section, rules promulgated  
14 under this section shall be in conformity with nationally recognized standards,  
15 specifications, and classifications, such as those published by the ~~American Society~~  
16 ~~for Testing and Materials~~ ASTM International, the Society of Automotive Engineers,  
17 and the U.S. Environmental Protection Agency. The department may not  
18 promulgate or enforce a rule prohibiting the placement of additional information on  
19 the dispensing device.

20 **SECTION 19.** 168.07 (2) of the statutes is amended to read:

21 168.07 (2) Inspections under sub. (1) shall be conducted, so far as applicable,  
22 in accordance with the methods outlined in the latest revision of the ASTM Book of  
23 Standards of the ~~American Society for Testing and Materials~~ ASTM International.

24 **SECTION 20.** 168.14 (2m) (b) 3. of the statutes is amended to read:

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1           168.14 (2m) (b) 3. The fuel meets all of the applicable requirements of the  
2 ~~American Society for Testing and Materials~~ ASTM International.

3           **SECTION 21.** 168.14 (2m) (c) 3. of the statutes is amended to read:

4           168.14 (2m) (c) 3. The fuel meets all of the applicable requirements of the  
5 ~~American Society for Testing and Materials~~ ASTM International.

6           **SECTION 22.** 185.99 (6) of the statutes is amended to read:

7           185.99 (6) DESIGNATION OF GEOGRAPHIC AREAS. After consultation with the  
8 ~~Wisconsin Federation of Cooperatives~~ Cooperative Network, the commissioner shall  
9 designate, by order, the geographic areas of the state in which health benefit  
10 purchasing cooperatives may be organized. A geographic area may overlap with one  
11 or more other geographic areas.

NOTE: SECTIONS 2 and 22 change the name of the Wisconsin Federation of  
Cooperatives to Cooperative Network.

12           **SECTION 23.** 299.11 (8) (d) of the statutes is amended to read:

13           299.11 (8) (d) *Quality control*. The laboratory shall conduct self-audits and a  
14 quality control program consistent with criteria specified by rule by the department  
15 and based on methods and standards prescribed by rule and considering criteria  
16 used by the federal environmental protection agency, ~~the American Society for~~  
17 ~~Testing and Materials~~ ASTM International, the national council on air and stream  
18 improvement, the national academy of sciences or other equivalent agency  
19 recognized by the department.

20           **SECTION 24.** 346.45 (1) (d) of the statutes is amended to read:

21           346.45 (1) (d) Every cargo tank motor vehicle, whether loaded or empty, used  
22 for the transportation of any liquid having a flashpoint below 200° Fahrenheit, as



