

State of Wisconsin



2015 Assembly Bill 676

Date of enactment: **February 29, 2016**

Date of publication*: **March 1, 2016**

2015 WISCONSIN ACT 186

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

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.

SECTION 1. 15.137 (1) (a) 4. of the statutes is amended to read:

15.137 (1) (a) 4. One person representing the Wisconsin Agri-Service Agri-Business Association, Inc.

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

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

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

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

20.115 (1) (h) *Grain inspection and certification.* All 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 this state~~ under s. 93.06 (1m) and all moneys transferred under s. 16.56, for the expenses of inspecting and 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.

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

71.07 (5j) (a) 2d. "Diesel replacement renewable fuel" includes biodiesel and any other fuel derived from a renewable resource that meets all of the applicable requirements of the American Society for Testing and Materials ASTM International for that fuel and that the

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

department of agriculture, trade and consumer protection designates by rule as a diesel replacement renewable fuel.

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

71.07 (5j) (a) 2m. “Gasoline replacement renewable fuel” includes ethanol and any other fuel derived from a renewable resource that meets all of the applicable requirements of ~~the American Society for Testing and Materials~~ ASTM International for that fuel and that the department of agriculture, trade and consumer protection designates by rule as a gasoline replacement renewable fuel.

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

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

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

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

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

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

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

71.47 (5j) (a) 2m. “Gasoline replacement renewable fuel” includes ethanol and any other fuel derived from a renewable resource that meets all of the applicable requirements of ~~the American Society for Testing and Materials~~ ASTM International for that fuel and that the department of safety and professional services designates by rule as a gasoline replacement renewable fuel.

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

93.18 (5) Complaint, notice, order or other process of the department may be served as may be a summons, and a subpoena as provided by s. 885.03, and either may be served by registered mail to an address furnished by the person or concern to either the department or the sec-

~~retary of state~~ department of financial institutions. Service may be proved by affidavit. Service in any event may be also by registered mail addressed to the person or concern and proved by the post-office 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.

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.

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.

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

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

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

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

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

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

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

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

(b) The department may promulgate a rule designating a fuel that can substitute for gasoline, that is derived from a renewable resource, and that meets all of the applicable requirements of the ~~American Society for Testing and Materials~~ ASTM International for that fuel as a gasoline-replacement renewable fuel for the purposes of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

346.45 (1) (d) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any liquid having a flashpoint below 200° Fahrenheit, as determined by the test method approved for that product by the ~~American society for testing and materials~~ ASTM International.

NOTE: SECTIONS 4 to 9, 13 to 21, 23, and 24 change the name of the American Society for Testing and Materials to ASTM International.