

1981 Senate Bill 382

Date published: April 30, 1982

CHAPTER 305 , Laws of 1981

AN ACT to repeal 100.39 (2) (d) 5; to amend 15.135 (2) and 100.39 (2) (c) and (6) (a) and (b); and to repeal and recreate 100.39 (2) (d) 1 to 4 of the statutes, relating to increasing the assessment rate on potatoes and changing the districts under the potato industry act, adding members to the potato industry board and granting rule-making authority.

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

SECTION 1. 15.135 (2) of the statutes is amended to read:

15.135 (2) POTATO INDUSTRY BOARD. There is created a potato industry board which is attached to the department of agriculture, trade and consumer protection under s. 15.03. The board shall consist of 9 ~~11~~ members. The secretary of agriculture, trade and consumer protection and the dean of the university of Wisconsin-Madison college of agriculture, or their designees, shall serve as nonvoting members. The secretary of agriculture, trade and consumer protection shall appoint ~~7~~ 9 members from the potato industry for staggered 3-year terms in the manner prescribed in s. 100.39 (2). No voting member may serve more than 2 consecutive 3-year terms.

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SECTION 2. 100.39 (2) (c) of the statutes is amended to read:

100.39 (2) (c) *Secretary; appointments.* The secretary may appoint board members from those persons whose nominations are confirmed to him under par. (b). The appointees shall be from the districts defined in par. (d) as follows: one each from districts 1, 4 and 5 and 2 each 2; 3 from districts 2 and district 3; and 4 from district 4.

SECTION 3. 100.39 (2) (d) 1 to 4 of the statutes are repealed and recreated to read:

100.39 (2) (d) 1. 'District 1': Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, Lafayette, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Washington, Waukesha and Winnebago.

2. 'District 2': Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, La Crosse, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas and Washburn.

3. 'District 3': Forest, Florence, Langlade, Marinette, Menominee, Oconto and Shawano.

4. 'District 4': Adams, Green Lake, Juneau, Marquette, Portage, Waupaca, Waushara and Wood.

SECTION 4. 100.39 (2) (d) 5 of the statutes is repealed.

SECTION 5. 100.39 (6) (a) and (b) of the statutes are amended to read:

100.39 (6) (a) An assessment ~~not to exceed the rate of one cent~~ 2 cents per hundredweight on all potatoes grown in this state and entered into the current of commerce shall be levied and imposed upon all growers and shippers within this state. The board may adjust the assessment rate by rule, except that the adjustment may not exceed one-quarter cent per hundredweight in a fiscal year without the prior approval of potato producers participating in the assessment program under this section. The secretary shall by referendum determine if the potato producers approve the adjustment. An adjustment exceeding one-quarter cent per hundredweight in a fiscal year shall not become effective unless 51 % or more of the voting potato producers approve the proposed adjustment. The assessment shall not be imposed upon potatoes retained by a grower to be used for seed purposes or for home consumption.

(b) An assessment ~~not to exceed the rate of one cent~~ 2 cents per hundredweight may be levied and imposed upon such class or classes of handlers as the board may prescribe by rule. Not more than one such assessment may be collected on any potatoes.

SECTION 6. **Nonstatutory provisions; agriculture, trade and consumer protection.**

(1) The incumbent member of the potato industry board in "District 4", as it existed prior to the effective date of this act, whose term expires June 30, 1982, shall serve for the remainder of his or her term. That position shall be abolished on June 30, 1982, without being replaced.

(2) The secretary of agriculture, trade and consumer protection shall appoint to the potato industry board, in accordance with section 100.39 (2) of the statutes:

(a) One member from "District 3" and one member from "District 4", as affected by this act, each for a 3-year term commencing on July 1, 1982; and

(b) Notwithstanding section 15.135 (2) of the statutes, one member from "District 4", as affected by this act, for a 2-year term commencing on July 1, 1982. Thereafter, the member shall serve for the term prescribed in section 15.135 (2) of the statutes. Notwithstanding section 15.135 (2) of the statutes, the member appointed for a 2-year term may not serve more than one 3-year term consecutive to the 2-year term.

SECTION 7. **Effective date.** The treatment of sections 15.135 (2) and 100.39 (2) (c) and (6) (a) and (b) of the statutes by this act takes effect on July 1, 1982.