

1989 Senate Bill 437

Date of enactment: April 20, 1990

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## 1989 WISCONSIN ACT 282

AN ACT *to repeal* chapter 126 and 99.02 (2) (b); *to renumber and amend* 93.08 and 93.21 (2); *to amend* 20.115 (1) (g), 20.115 (3) (g), 20.115 (3) (h), 93.06 (1m) and 127.01 (29); *to repeal and recreate* 20.115 (3) (j); and *to create* 93.06 (1s), 93.08 (3), 93.21 (2) (a) and (b) and 93.21 (6) of the statutes, **relating to:** grain transactions and grain inspections, providing penalties and making appropriations.

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

**SECTION 1.** 20.115 (1) (g) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.115 (1) (g) *Related services.* The amounts in the schedule for the conduct of services related to service fees food and trade regulation, including special and overtime meat inspection services under s. 97.42 (3), and investigative and audit services under ss. 93.06 (6) (b), 100.06 (1) (c) and 100.07 (1). All moneys received from such authorized service fees as are authorized by law related to food and trade regulation shall be credited to this appropriation.

**SECTION 2.** 20.115 (3) (g) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.115 (3) (g) *Related services.* The amounts in the schedule for the conduct of authorized marketing services as ~~authorized by law~~, except services financed under ~~par. pars. (h) and (j).~~ Except as provided in ~~par. pars. (h) and (j),~~ all moneys received from authorized fees related to marketing services, including moneys received for inspection, grading and certification of ~~grain,~~ fruits and vegetables under ss. 93.06 (1m) and 93.09 (10), shall be credited to this appropriation.

**SECTION 3.** 20.115 (3) (h) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.115 (3) (h) (title) *Grain inspection and certification; Milwaukee.* Ninety-eight percent of all moneys received under ch. 93, excluding moneys received under

~~s. 93.35, for weighing and certifying the weights for the inspection and certification of grain received in or shipped from the port of Milwaukee, for those purposes or other locations in the southern portion of this state under s. 93.06 (1m), to carry out the purposes for which they are received.~~

**SECTION 4.** 20.115 (3) (j) of the statutes, as affected by 1989 Wisconsin Act 31, is repealed and recreated to read:

20.115 (3) (j) *Grain inspection and certification; Superior.* Ninety-eight percent of all moneys received for the inspection and certification of grain received in or shipped from the port of Superior or other locations in the northern portion of this state under s. 93.06 (1m), to carry out the purposes for which they are received.

**SECTION 5.** 93.06 (1m) of the statutes is amended to read:

93.06 (1m) (title) SERVICE INSPECTIONS OF FARM PRODUCTS. ~~Inspect or examine upon~~ Upon request ~~or for grading or certification purposes, inspect~~ animals or plants and their farm products, including food, and facilities used in the production, processing or distribution thereof, and certify their grade or condition. ~~Such inspection products and agricultural commodities, as defined in s. 96.01 (3). Inspection may include examination, diagnosis, sample collection and analysis, weighing and testing and the supervision of any of those activities. Facilities, equipment, vehicles and vessels used in the production, processing, storage or distribution of the animals, plants, farm products, food products or agricultural~~

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commodities may be inspected. Inspection and certification may be performed in cooperation with any federal agency, ~~and may include the weighing and certification of the weights of grain received in or shipped from grain warehouses.~~ To enable any such inspection and certification service, the department may charge uniform fees and may bring an action to recover the fees, including reasonable costs of collection.

**SECTION 6.** 93.06 (1s) of the statutes is created to read:

93.06 (1s) FURNISH STANDARD SAMPLES AT COST. Furnish to any person, at cost, standard samples representing product or commodity grades.

**SECTION 7.** 93.08 of the statutes is renumbered 93.08 (intro.) and amended to read:

**93.08 Access for law enforcement.** (intro.) The In performing their duties or in enforcing the laws entrusted to their administration, the department and its authorized agents have power to enter may do all of the following:

(1) Enter, within reasonable hours, any field, orchard, garden, packing ground, building, freight or express office, warehouse, car, vessel, vehicle, room, cellar, storehouse, cold storage plant, packing house, stockyard, railroad yard or any other place of business, which it may be necessary or desirable for them to enter ~~in performing their duties or in enforcing the laws entrusted to their administration. They have power, for such purposes, to open,~~

(2) Open any box, carton, parcel, package or other receptacle, inspect the contents thereof, and, upon payment or tender of the market value, ~~to~~ take samples of any product or material contained therein.

**SECTION 8.** 93.08 (3) of the statutes is created to read:

93.08 (3) Inspect products and materials and collect and test samples of them.

**SECTION 9.** 93.21 (2) of the statutes is renumbered 93.21 (2) (intro.) and amended to read:

93.21 (2) OBSTRUCTING OFFICERS. (intro.) Any person who obstructs or interferes with an officer or employe of the department in the performance of his or her duty by refusing him entry to any place he is authorized to enter ~~or by refusing to deliver to him a sample of any article of food, drink or drug made, sold, offered or exposed for sale by the person to whom request therefor is made, if the value thereof is tendered, shall be punished as in sub. (1).~~ or who refuses to permit access or sampling under s. 93.08:

**SECTION 10.** 93.21 (2) (a) and (b) of the statutes are created to read:

93.21 (2) (a) May be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

(b) In lieu of the penalty under par. (a), may be required to forfeit not more than \$2,000.

**SECTION 11.** 93.21 (6) of the statutes is created to read:

93.21 (6) FRAUDULENT USE OF OFFICIAL SEALS. Any person who falsifies, alters, forges, counterfeits or fraudulently issues or uses any official certificate, seal, stamp or mark of the department or any official sealing, stamping or marking device of the department:

(a) May be fined not more than \$10,000 or imprisoned for not more than one year in the county jail or both.

(b) In lieu of the penalty under par. (a), may be required to forfeit not more than \$10,000.

**SECTION 12.** 99.02 (2) (b) of the statutes is repealed.

**SECTION 13.** Chapter 126 of the statutes is repealed.

**SECTION 14.** 127.01 (29) of the statutes is amended to read:

127.01 (29) "Warehouse keeper" means a person, including a cooperative association, engaged in operating one or more warehouses in this state for the receiving, conditioning, storing or shipping of grain for others. "Warehouse keeper" does not include a person licensed under ~~ch. 126~~ or the federal act.