



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).

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.

SENATE BILL 551**SECTION 14**

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

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1 determined by the test method approved for that product by the American society for
2 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.

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(END)