

CR 90-127

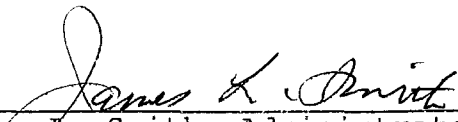
STATE OF WISCONSIN )  
 ) SS.  
DEPARTMENT OF AGRICULTURE, )  
TRADE & CONSUMER PROTECTION )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, James L. Smith, Administrator, Marketing Division, State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order amending rules relating to the assessment rate for the state milk marketing order, s. Ag 144.06(1), Wis. Adm. Code, was duly approved and adopted by the Department on June 12, 1991.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 12th day of June, 1991.

  
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James L. Smith, Administrator  
Marketing Division



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ORDER  
OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION  
AMENDING RULES

1           The state of Wisconsin department of agriculture, trade and  
2 consumer protection adopts the following order amending s. Ag  
3 144.06(1), relating to the assessment rate for the state milk  
4 marketing order.

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Analysis Prepared by the Department of Agriculture,  
Trade and Consumer Protection

Statutory authority: ss. 96.05 and 96.08, Wis. Stats.

Statutes interpreted: s. 96.11, Wis. Stats.

The rule amends s. Ag 144.06(1) of the state milk marketing order (Chap. Ag 144, Wis. Adm. Code) by increasing the assessment rate from 5¢ to 10¢ per hundredweight (cwt.) on milk sold by Wisconsin dairy farmers or producers. The amendment to the state milk marketing order does not change the current total amount of 15¢ per cwt. required to be paid by all dairy farmers under the national dairy promotion program.

Wisconsin dairy farmers, as well as dairy farmers throughout the U. S., currently pay an assessment of 15¢ per cwt. for dairy promotion, research and education purposes under the national dairy promotion program. The national program allows up to 10¢ of the 15¢ per cwt. to be allocated and paid to qualified state or regional milk promotion programs. Section Ag 144.06(1) of the state milk marketing order requires 5¢ per cwt. be paid to the Wisconsin Milk Marketing Board. The national dairy promotion program requires a minimum of 5¢ per cwt. be paid to the National Dairy Board.

Wisconsin dairy farmers may designate that the remaining 5¢ or middle nickel be allocated to the Wisconsin Milk Marketing Board (a qualified state program). If a producer does not exercise the allocation option, the middle nickel is paid into the national dairy promotion program by default. Currently WMMB is receiving approximately 82% of the middle nickel assessments through voluntary authorizations by Wisconsin producers.

The amendment requires the current discretionary portion of the 15¢ assessment to be paid to WMMB by increasing the mandated assessment rate from 5¢ to 10¢ per cwt. It is estimated that the amendment would result in \$2 million annually being paid to WMMB rather than to the national dairy board. The proposal has no direct financial impact on Wisconsin dairy farmers because the current 15¢ per cwt. assessment would not change.

1 SECTION 1. Ag 144.06(1) is amended to read:

2 Ag 144.06(1) Affected producers shall be liable for an  
3 assessment of 5¢ 10¢ per hundredweight on all milk sold to or  
4 marketed by a handler. Hundredweight shall be determined on the  
5 basis of scale weights, bulk tank measurements by licensed  
6 weighers and samplers, milk statements, or a combination of the  
7 above.

8 SECTION 2. EFFECTIVE DATE. The rules contained in this  
9 order shall take effect on the first day of the month following  
10 publication in the Wisconsin administrative register, as provided  
11 in s. 227.22(2)(intro.), Stats.

Dated this 12<sup>th</sup> day of June, 1991.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By James L. Smith  
James L. Smith  
Administrator  
Marketing Division

KWM/Ag 144/D3  
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