

1991 Senate Bill 302

Date of enactment: April 22, 1992

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1991 WISCONSIN ACT 231

AN ACT to repeal and recreate 100.06 (2m); and to create 97.23 of the statutes, relating to: dairy plant payments to milk producers for milk received from those milk producers, monetary losses incurred by dairy producers as a result of the rejection of adulterated milk and granting rule-making authority.

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

SECTION 1. 97.23 of the statutes is created to read:

97.23 Drug residues in milk. (1) In this section:

- (a) "Dairy plant" has the meaning given in s. 97.20 (1) (a).
- (b) "Milk" has the meaning given in s. 97.22 (1) (e).
- (c) "Milk producer" has the meaning given in s. 97.22 (1) (f).

(2) (a) If, in accordance with a rule promulgated by the department under s. 93.07 (1), 97.09 (4), 97.20 (4), 97.22 (8), 97.24 (3) or 97.52, a dairy plant operator rejects a bulk milk shipment because it is adulterated with a drug residue and if the dairy plant operator incurs a monetary loss as a result of the rejection of the bulk milk shipment, the dairy plant operator may recover the amount of the monetary loss from the milk producer who caused the bulk shipment to be adulterated with the drug residue. A dairy plant operator may deduct the amounts recoverable by him or her under this paragraph from the proceeds of milk sold to or through the dairy plant operator by the milk producer who caused the adulteration.

(b) 1. Except as provided in subd. 2, the department may, by rule, require a dairy plant operator who rejects a bulk milk shipment because it is adulterated with a drug residue and who suffers a monetary loss as a result of the rejection of the bulk milk shipment to recover all or part of the monetary loss from the milk producer who caused

the adulteration by deducting from the proceeds of milk sold by the milk producer an amount that is specified by the department by rule.

2. The department may not require a dairy plant operator who rejects a bulk milk shipment because it is adulterated with a drug residue to recover an amount that exceeds the dairy plant operator's actual monetary loss.

SECTION 1m. 100.06 (2m) of the statutes is repealed and recreated to read:

100.06 (2m) (a) *First monthly payment.* A dairy plant operator's payment to a milk producer for milk received from that milk producer during the first 15 days of the month shall:

- 1. Be made before the 4th day of the following month.
- 2. Be an estimated price that is at least 80% of the class III price published by the regional federal milk market administrator for the month before the month in which the milk is received, or 80% of the price originally contracted for by the dairy plant operator and the milk producer, whichever is greater.

(b) *Second monthly payment.* A dairy plant operator shall pay a milk producer the balance due on the actual price for all milk received from that milk producer during the month before the 19th day of the following month.

SECTION 2. Initial applicability. This act first applies to milk received by a dairy plant operator from a milk producer on the first day of the first month beginning after publication.