

1999 DRAFTING REQUEST

Bill

Received: **01/5/99**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Jensen (608) 266-3387**

By/Representing: **Chad Taylor**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Trade Regulation**

Extra Copies:

Topic:

Unfair sales act limited to alcohol and tobacco products

Instructions:

Have the act only apply to alcohol and tobacco products

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 01/8/99	chanaman 01/12/99	martykr 01/12/99	_____	lrb_docadmin 01/12/99	lrb_docadminState 01/15/99	

FE Sent For:

02-16-99

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11

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1?	gibson	cmh 1/11 1	km/12	cmh ch 1/12			
		1 1/11 jlg					

FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

BILL REQUEST FORM

MGG
2

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill. Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 1/06/99	Legislator or agency requesting this draft: Rep. Scott R. Jensen
Name/phone number of person submitting request: Chad Taylor	
Persons to contact for questions about this draft (names and phone numbers please): Chad Taylor 6-3387	
Describe the problem, including any helpful examples. How do you want to solve the problem? Repeal of the "Minimum-Markup" Law (s.100.31 Stats.) except for those provisions dealing with alcohol and tobacco products.	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy. § 100.31	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

1995 AB558

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:





State of Wisconsin
1999 - 2000 LEGISLATURE

very soon

1 RMR
LRB-1586/22
MGG.....
cmh
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1

AN ACT ...; relating to: the regulation of the sale of merchandise below cost.

gen cat
for a price that is

Analysis by the Legislative Reference Bureau

Currently, the state unfair sales act or "minimum markup" law requires a wholesaler of motor vehicle fuel, tobacco products or fermented malt beverages, liquor or wine (alcohol beverages) to sell those items for at least 3% more than the cost of the items to the wholesaler. The law requires a retailer of tobacco products or alcohol beverages to sell those items at least 6% more than the cost of the items to the retailer. For motor vehicle fuel sold at retail, the percentage varies depending on whether the fuel is sold from a retail station. The law requires a wholesaler or retailer to sell any other type of merchandise at least the wholesaler's or retailer's cost.

Current law provides specific methods for determining the cost to the wholesaler or the retailer. For merchandise other than motor vehicle fuel, basically the cost is computed as the lesser of the invoice cost or replacement cost of the merchandise, plus taxes and certain overhead costs and minus certain trade discounts (computed cost). For motor vehicle fuel, the cost is the greater of the computed cost or the average posted terminal price, which is an average price at which motor vehicle fuel is offered on a specific date plus excise taxes and certain overhead costs.

The minimum markup requirements under the ^{plain} ~~act~~ do not apply to merchandise that is sold in clearance sales, damaged merchandise and merchandise at risk of spoiling. The requirements also do not apply if merchandise is priced in good faith to meet the existing price of a competitor.

The act also prohibits offering loss leaders. A loss leader is the sale of an item of merchandise at less than cost in order to induce the purchase of other merchandise or to unfairly divert trade from a competitor.

This bill narrows the scope of the act. Under the bill only tobacco products and alcohol beverages are subject to the minimum markup requirements and the prohibition against loss leaders.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 SECTION 1. 20.115 (1) (r) of the statutes is repealed.
- 2 SECTION 2. 100.201 (2) (h) 5. of the statutes is repealed.
- 3 SECTION 3. 100.26 (9) of the statutes is repealed.
- 4 SECTION 4. 100.30 (1) of the statutes is amended to read:
- 5 100.30 (1) POLICY. The practice of selling certain ~~items of merchandise~~
- 6 cigarettes, other tobacco products and alcohol beverages below cost in order to attract
- 7 patronage is generally a form of deceptive advertising and an unfair method of
- 8 competition in commerce. Such practice causes commercial dislocations, misleads
- 9 the consumer, works back against the farmer, directly burdens and obstructs
- 10 commerce, and diverts business from dealers who maintain a fair price policy.
- 11 Bankruptcies among merchants who fail because of the competition of those who use
- 12 such methods result in unemployment, disruption of leases, and nonpayment of
- 13 taxes and loans, and contribute to an inevitable train of undesirable consequences,
- 14 including economic depression.
- 15 SECTION 5. 100.30 (2) (a) of the statutes is repealed.
- 16 SECTION 6. 100.30 (2) (ac) of the statutes is created to read:

Ins 1-2A ✓
Ins 1-2B ✓

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

1 100.30 (2) (ac) "Alcohol beverage" means a fermented malt beverage,
 2 intoxication^{intoxicating} liquor or intoxicating wine.

3 SECTION 7. 100.30 (2) (am) 1. of the statutes is renumbered 100.30 (2) (am) and
 4 amended to read:

5 100.30 (2) (am) ~~With respect to the sale of cigarettes or other tobacco products,~~
 6 ~~fermented malt beverages or intoxicating liquor or wine,~~ "cost" ^{Cost} to retailer"
 7 means the invoice cost of the merchandise to the retailer within 30 days prior to the
 8 date of sale, or replacement cost of the merchandise to the retailer, whichever is
 9 lower, less all trade discounts except customary discounts for cash, plus any excise
 10 taxes imposed on such merchandise or the sale thereof other than excise taxes
 11 collected by the retailer, and any cost incurred for transportation and any other
 12 charges not otherwise included in the invoice cost or the replacement cost of the
 13 merchandise as herein set forth, to which shall be added a markup to cover a
 14 proportionate part of the cost of doing business, which markup, in the absence of
 15 proof of a lesser cost, shall be 6% of the cost to the retailer as herein set forth.

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

16 SECTION 8. 100.30 (2) (am) 1m. of the statutes is repealed.

17 SECTION 9. 100.30 (2) (am) 2. of the statutes is repealed.

18 SECTION 10. 100.30 (2) (b) of the statutes is amended to read:

19 100.30 (2) (b) "Cost to retailer" and "cost to wholesaler" as defined in pars. (am)
 20 and (c) mean bona fide costs; and purchases made by retailers, and wholesalers,
 21 ~~wholesalers of motor vehicle fuel and refiners~~ at prices which cannot be justified by
 22 prevailing market conditions within this state shall not be used in determining cost
 23 to the retailer and cost to the wholesaler. Prices at which purchases of merchandise
 24 ~~other than motor vehicle fuel~~ are made by retailers or wholesalers cannot be justified

1 by prevailing market conditions in this state when they are below the lowest prices
2 at which the manufacturer or producer of such merchandise sells to other retailers
3 or wholesalers in this state. ~~Prices at which sales of motor vehicle fuel are made by~~
4 ~~retailers, wholesalers, wholesalers of motor vehicle fuel and refiners cannot be~~
5 ~~justified by prevailing market conditions in this state when they are below the~~
6 ~~applicable cost to retailers and cost to wholesalers specified under pars. (am) and (c).~~ ✓

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

7 **SECTION 11.** 100.30 (2) (c) 1. ^{a.} of the statutes is renumbered 100.30 (2) (c) 1. and
8 amended to read:

9 100.30 (2) (c) 1. [✓] ~~With respect to the sale of cigarettes or other tobacco products,~~
10 ~~fermented malt beverages or intoxicating liquor or wine, "cost~~ ^{c.} ~~Cost to wholesaler"~~ *could quotation marks*
11 means, except as provided in subd. 1. ~~b.~~ [✓] 2m., the invoice cost of the merchandise to
12 the wholesaler within 30 days prior to the date of sale, or the replacement cost of the
13 merchandise to the wholesaler, whichever is lower, less all trade discounts except
14 customary discounts for cash, plus any excise taxes imposed on the sale thereof prior
15 to the sale at retail, and any cost incurred for transportation and any other charges
16 not otherwise included in the invoice cost or the replacement cost of the merchandise
17 as herein set forth, to which shall be added, except for sales at wholesale between
18 wholesalers, a markup to cover a proportionate part of the cost of doing business,
19 which markup, in the absence of proof of a lesser cost, shall be 3% of the cost to the
20 wholesaler as herein set forth.

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

21 **SECTION 12.** 100.30 (2) (c) 1. [✓] b. of the statutes is renumbered 100.30 (2) (c) 2m.
22 and amended to read:

1 100.30 (2) (c) 2m. ✓ For every person holding a permit as a distributor as defined
 2 in s. 139.30 (3) or as a multiple retailer as defined in s. 139.30 (8), with respect to that
 3 portion of the person’s business which involves the purchase and sale of cigarettes
 4 “cost to wholesaler” means the cost charged by the cigarette manufacturer,
 5 disregarding any manufacturer’s discount or any discount under s. 139.32 (5), plus
 6 the amount of tax imposed under s. 139.31. Except for a sale at wholesale between
 7 wholesalers, a markup to cover a proportionate part of the cost of doing business shall
 8 be added to the cost to wholesaler. In the absence of proof of a lesser cost, this markup
 9 shall be 3% of the cost to wholesaler as set forth in this subd. 1. ~~b~~ [⊖] subdivision. ✓

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

10 **SECTION 13.** 100.30 (2) (c) 1g. of the statutes is repealed.

11 **SECTION 14.** 100.30 (2) (c) 1r. of the statutes is repealed.

12 **SECTION 15.** 100.30 (2) (c) 2. of the statutes is repealed.

13 **SECTION 16.** 100.30 (2) (cg) of the statutes is repealed.

14 **SECTION 17.** 100.30 (2) (cj) of the statutes is amended to read:

15 100.30 (2) (cj) “Existing price of a competitor” means a price being
 16 simultaneously offered to a buyer for merchandise of like quality and quantity by a
 17 person who is a direct competitor of the retailer; or wholesaler; ~~wholesaler of motor~~
 18 ~~vehicle fuel or refiner~~ and from whom the buyer can practicably purchase the
 19 merchandise.

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

20 **SECTION 18.** 100.30 (2) (ck) of the statutes is created to read:

21 100.30 (2) (ck) “Merchandise” means, cigarettes, other tobacco products and
 22 alcohol beverages.

23 **SECTION 19.** 100.30 (2) (cL) of the statutes is repealed.

1 SECTION 20. 100.30 (2) ⁴(cm) of the statutes is repealed.

2 SECTION 21. 100.30 (2) ⁴(d) of the statutes is amended to read:

3 100.30 (2) (d) "Replacement cost" means the cost computed as specified in par.
4 (am) or (c) at which the merchandise sold could have been bought by the retailer, or
5 wholesaler [✓] ~~or wholesaler of motor vehicle fuel~~ at any time if bought in the same
6 quantity as the retailer's, or wholesaler's ~~or wholesaler of motor vehicle fuel's~~ last
7 purchase of the said merchandise.

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

8 SECTION 22. 100.30 (2) (f) of the statutes is amended to read:

9 100.30 (2) (f) ~~With respect to the sale of merchandise other than motor vehicle~~
10 fuel, ~~retailer~~ [✓] "Retailer" and "wholesaler" shall both be applied to any merchant who
11 buys merchandise for resale at retail from the manufacturer or producer thereof and
12 to any wholesaler under par. (L) 2. and, as to that merchandise or that wholesaler,
13 the terms "cost to retailer" and "cost to wholesaler" as defined in pars. (am) and (c)
14 shall both be applied, including the markup requirements.

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

15 SECTION 23. 100.30 (2) (g) of the statutes is amended to read:

16 100.30 (2) (g) "Sell", "sale" or "sold" includes any advertising or offer to sell or
17 any transfer of merchandise where title is retained by the retailer, or wholesaler,
18 ~~wholesaler of motor vehicle fuel or refiner~~ as security for the payment of the purchase
19 price. In determining the selling price of merchandise by [✓]wholesalers, ~~wholesalers~~
20 ~~of motor vehicle fuel, and~~ retailers and refiners under this section, all fractions of a
21 cent shall be carried to the next full cent.

Strike comma

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

22 SECTION 24. 100.30 (2) (j) of the statutes is repealed.

23 SECTION 25. 100.30 (2) [✓](L) (intro.) of the statutes is amended to read:

1 100.30 (2) (L) (intro.) “Wholesaler” includes every person holding a permit as
2 a multiple retailer under s. 139.30 (8) and every person engaged in the business of
3 making sales at wholesale, ~~other than sales of motor vehicle fuel at wholesale,~~ within
4 this state except as follows:

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

5 **SECTION 26.** 100.30 (2) (m) of the statutes is repealed.

6 **SECTION 27.** 100.30 (2m) (a) of the statutes is amended to read:

7 100.30 (2m) (a) When one or more items of merchandise are furnished or sold
8 in combination with or on condition of the purchase of one or more other items of
9 merchandise or of other goods, or are so advertised, all items of merchandise shall
10 be included in determining cost under sub. (2) (am) or (c); and if any of the items
11 included therein are separately priced, such separate price shall be subject to the
12 requirements of this section.

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

13 **SECTION 28.** 100.30 (2m) (b) of the statutes is amended to read:

14 100.30 (2m) (b) ~~With respect to the sale of merchandise other than motor~~
15 ~~vehicle fuel,~~ any Any retailer who also sells to other retailers shall use the invoice
16 cost to other retailers in computing the selling price at retail under sub. (2) (am); and
17 if that retailer is a manufacturer or producer, both sub. (2) (am) and (c) shall be used
18 in computing the selling price at retail. In the absence of sales to other retailers, the
19 manufacturer’s or producer’s invoice cost to wholesalers shall be used in computing
20 the manufacturer’s or producer’s selling price at retail as provided in sub. (2) (am)
21 and (c).

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

22 **SECTION 29.** 100.30 (2m) (c) of the statutes is repealed.

23 **SECTION 30.** 100.30 (3) of the statutes is amended to read:

1 100.30 (3) ILLEGALITY OF LOSS LEADERS. Any sale of any item of merchandise
2 either by a retailer, or wholesaler, ~~wholesaler of motor vehicle fuel or refiner~~, at less
3 than cost as defined in this section with the intent or effect of inducing the purchase
4 of other merchandise or other goods or of unfairly diverting trade from a competitor,
5 impairs and prevents fair competition, injures public welfare and is unfair
6 competition and contrary to public policy and the policy of this section. Such sales
7 are prohibited. Evidence of any sale of any item of merchandise by any retailer, or
8 wholesaler, ~~wholesaler of motor vehicle fuel or refiner~~ at less than cost as defined in
9 this section shall be prima facie evidence of intent or effect to induce the purchase
10 of other merchandise or other goods, or to unfairly divert trade from a competitor, or
11 to otherwise injure a competitor.

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

12 **SECTION 31.** 100.30 (5) (a) of the statutes is amended to read:

13 100.30 (5) (a) The department may issue a special order as provided in s. 93.18
14 against a retailer, or wholesaler, ~~wholesaler of motor vehicle fuel or refiner~~ requiring
15 the person to cease and desist from violating this section ~~in the sale of cigarettes or~~
16 ~~other tobacco products, fermented malt beverages, intoxicating liquor or wine or~~
17 ~~motor vehicle fuel~~. The department or a district attorney may commence an action
18 on behalf of the state against a retailer, or wholesaler, ~~wholesaler of motor vehicle~~
19 ~~fuel or refiner~~ who violates a special order issued under this paragraph to recover a
20 forfeiture of not less than \$200 nor more than \$5,000 for each violation.

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

21 **SECTION 32.** 100.30 (5m) of the statutes is repealed.

22 **SECTION 33.** 100.30 (6) (a) 7. of the statutes is amended to read:

1 100.30 (6) (a) 7. The price of merchandise is made in good faith to meet an
 2 existing price of a competitor and is based on evidence in the possession of the
 3 retailer, ~~or wholesaler, wholesaler of motor vehicle fuel or refiner~~ in the form of an
 4 advertisement, proof of sale or receipted purchase, price survey or other business
 5 record maintained by the retailer, ~~or wholesaler, wholesaler of motor vehicle fuel or~~
 6 ~~refiner~~ in the ordinary course of trade or the usual conduct of business.

History: 1973 c. 310; 1979 c. 34 ss. 950o to 950y, 2102 (3) (a); 1979 c. 176, 221; 1981 c. 79 s. 17; 1983 a. 189 ss. 136 to 138, 329 (20); 1983 a. 466; 1985 a. 313, 332; 1987 a. 175; 1993 a. 16; 1997 a. 55.

7 **SECTION 34.** 100.30 (6) (a) 9. of the statutes is repealed.

8 **SECTION 35.** 100.30 (7) of the statutes is repealed.

9 **SECTION 36.** 814.04 (intro.) of the statutes is amended to read:

10 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),
 11 106.04 (6) (i) and (6m) (a), 115.80 (9), 769.313, 814.025, 814.245, 895.035 (4), 895.75
 12 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2) (d) and 943.51 (2)
 13 (b), when allowed costs shall be as follows:

NOTE: NOTE: Section 814.04 (intro.) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2).NOTE:

History: Sup. Ct. Order, 50 W (2d) vii (1971); 1971 c. 141; Sup. Ct. Order, 67 W (2d) 585, 761, 780 (1975); Stats. 1975 s. 814.04; 1977 c. 209; 1979 c. 110 s. 60 (13); 1979 c. 271, 355; 1981 c. 123, 317; 1985 a. 52, 311; 1987 a. 348; 1991 a. 39, 65, 189, 295; 1993 a. 98, 326, 486, 490, 491; 1995 a. 24, 27, 133, 149, 262, 417; 1997 a. 55, 164, 254; s. 13.93 (2) (c).

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1586/¹dn
MGG.....

*cmf
+
JLg*

1. As drafted, s. 100.30 (2^m) and (3^y) apply to the sale of items other than alcohol beverages or tobacco products when advertised or sold in connection with alcohol beverages or tobacco products. Please review carefully.

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

CS

X

Section #. 20.115 (8) (k) of the statutes is amended to read:

20.115 (8) (k) *Computer system equipment, staff and services.* The amounts in the schedule for the costs of computer system equipment, staff and services. All moneys transferred for this purpose from pars. (ga), (gm), (h), (ha), (i), (kp), (ks), (m) and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), ~~(r)~~ and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i), (j), (ja), (L) and (m) and (7) (g), (ga), (gm), (k) and (m) shall be credited to this appropriation account.

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264.

CS ✓

Section #. 93.60 of the statutes is amended to read:

93.60 Computer system equipment, staff and services transfers. The department may transfer to the appropriation account under s. 20.115 (8) (k) in each fiscal year an amount from the appropriation accounts under s. 20.115 (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), ~~(r)~~ and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i), (j), (ja), (L) and (m), (7) (g), (ga), (gm), (k) and (m) and (8) (ga), (gm), (h), (ha), (i), (kp), (ks), (m) and (pz). The total amount that the department transfers in each fiscal year from these appropriation accounts to the appropriation account under s. 20.115 (8) (k) may not exceed the amount specified in the schedule under s. 20.115 (8) (k) for each fiscal year. The amounts transferred from each appropriation account shall be based on the actual costs incurred by the department for computer system equipment, staff and services provided for the purpose of that appropriation account.

History: 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 27.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1586/1dn
MGG:cmh&jlg:km

January 12, 1999

As drafted, s. 100.30 (2m) and (3) apply to the sale of items other than alcohol beverages or tobacco products when advertised or sold in connection with alcohol beverages or tobacco products. Please review carefully.

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/12/99

To: Representative Jensen

Relating to LRB drafting number: LRB-1586

Topic

Unfair sales act limited to alcohol and tobacco products

Subject(s)

Trade Regulation

1. **JACKET** the draft for introduction by Jensen/Krug
in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-3215