

**1999 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB483)**

Received: 10/12/1999

Received By: traderc

Wanted: Soon

Identical to LRB:

For: David Ward (608) 266-3790

By/Representing: self

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Agriculture - animals

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Broaden bases for differing milk prices

**Instructions:**

Broaden the exception to the prohibition on milk price differences so that it applies to differences based on any criteria as long as purchaser establishes a schedule and pays everyone according to the schedule

**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> |
|--------------|-----------------------|-----------------------|------------------------|----------------|----------------------------|----------------------------|-----------------|
| /?           | traderc<br>10/12/1999 | jgeller<br>10/12/1999 |                        | _____          |                            |                            |                 |
| /1           |                       |                       | jfrantze<br>10/12/1999 | _____          | lrb_docadmin<br>10/12/1999 | lrb_docadmin<br>10/12/1999 |                 |
| /2           | traderc<br>10/14/1999 | jgeller<br>10/14/1999 | hhagen<br>10/15/1999   | _____          | lrb_docadmin<br>10/15/1999 | lrb_docadmin<br>10/15/1999 |                 |

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| /1           |                       | 1/2 10/14 jg          | jfrantze<br>10/12/1999 | _____          | lrb_docadmin<br>10/12/1999 | lrb_docadmin<br>10/12/1999 |                 |

all 10/14 all JF 10/14

FE Sent For:

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**1999 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB438)**

Received: 10/12/1999

Received By: traderc

Wanted: Soon

Identical to LRB:

For: David Ward (608) 266-3790

By/Representing: self

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Agriculture - animals

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Broaden bases for differing milk prices

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**Instructions:**

Broaden the exception to the prohibition on milk price differences so that it applies to differences based on any criteria as long as purchaser establishes a schedule and pays everyone according to the schedule

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**Drafting History:**

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| /?           | traderc        | 11/10/12 jlg    |              | ==             |                  |                 |                 |

FE Sent For:

<END>

Thursday (10/14)

50141/1

LRB-226341

RCT:jlg:hmh

↑  
Stays

WPO -  
Please fix  
request sheet

ASA to

# 1999 ASSEMBLY BILL 483

September-28, 1999 - Introduced by Representatives WARD, AINSWORTH, GARD, GOETSCH, HAHN, KEDZIE, KLUSMAN, KREIBICH, LADWIG, MUSSER, OTT, SERATTI, SKINDRUD, SPILLNER and SUDER, cosponsored by Senators SHIBILSKI, CLAUSING, DARLING and FITZGERALD. Referred to Committee on Agriculture.

Regen

1 AN ACT to repeal 100.22 (3); to amend 100.22 (1); and to create 100.22 (1s) of  
2 the statutes; relating to: authorizing the payment of different prices to  
3 producers for milk based on <sup>specified criteria</sup> volume.

### *Analysis by the Legislative Reference Bureau*

Current law generally prohibits a person engaged in the business of buying milk from producers from discriminating between producers in the price paid for milk. It is a defense to prosecution for violating this prohibition that the discrimination in price was done in good faith to meet competition or was commensurate with an actual difference in the quantity of, or transportation charges for, the milk purchased. Current law also authorizes a person to pay producers different prices for milk based on differences in milk quality if certain conditions are satisfied.

This bill authorizes a person engaged in the business of buying milk from producers to pay producers different prices for milk based on volume if certain conditions are satisfied. The conditions include that the person establishes a payment method based upon differences in the volume of milk purchased or picked up from a producer and that the person makes payment in accordance with the payment method to all producers from whom the person buys milk. This bill also

**ASSEMBLY BILL 483**

eliminates the current defense to prosecution for violating the prohibition on milk price discrimination.

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

**SECTION 1.** 100.22 (1) of the statutes is amended to read:

~~100.22 (1) PROHIBITION. Except as provided in sub. subs. (1m) and (1s), no person engaged in the business of buying milk from producers for the purpose of manufacture, processing or resale may discriminate between producers in the price paid for milk or in services furnished in connection with the purchase of milk if the discrimination injures producers or injures, destroys or prevents competition between competing purchasers of milk.~~

*change component*  
**SECTION 2.** ~~100.22 (1s)~~ <sup>RC, 100.22 (1m) X</sup> of the statutes is created to read:

*milk pricing*  
100.22 (1s) ~~PRICES BASED ON VOLUME~~. A person engaged in the business of buying milk from producers for the purpose of manufacturing, processing or resale may pay producers different prices for the purchase of milk ~~based upon volume~~, if all of the following apply:

(a) Before making any payment to producers under this subsection, the person engaged in the business of buying milk from producers establishes a payment method based upon ~~differences in volume of milk purchased or picked up from a producer, or both.~~ *criteria specified by the person*

(b) Before making any payment to producers under this subsection, the person engaged in the business of buying milk from producers announces, and offers to make payment in accordance with, the payment method established under par. (a) to all producers from whom the person buys milk.



5014/1

10/14/99 Per Ron Ward - DATCP has a rule on  
sampling methodology - ATCP 80.26(2) - IF the criteria  
used for the processor's payment method requires  
testing of the milk, then the processor must use  
DATCP's sampling methodology.

RET

Friday if possible

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**ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 1999 ASSEMBLY BILL 483**

Regen

1 **AN ACT to repeal** 100.22 (3); and **to repeal and recreate** 100.22 (1m) of the  
2 statutes; **relating to:** authorizing the payment of different prices to producers  
3 for milk based on specified criteria.

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

4 **SECTION 1.** 100.22 (1m) of the statutes is repealed and recreated to read:  
5 100.22 (1m) MILK PRICING. A person engaged in the business of buying milk  
6 from producers for the purpose of manufacturing, processing or resale may pay  
7 producers different prices for the purchase of milk, if all of the following apply:

8 (a) Before making any payment to producers under this subsection, the person  
9 engaged in the business of buying milk from producers establishes a payment  
10 method based upon criteria specified by the person.

11 (b) Before making any payment to producers under this subsection, the person  
12 engaged in the business of buying milk from producers announces, and offers to



1 make payment in accordance with, the payment method established under par. (a)  
2 to all producers from whom the person buys milk.

3 (c) The person engaged in the business of buying milk from producers makes  
4 payments to all milk producers from whom the person purchases milk in accordance  
5 with the payment method established under par. (a).

6 (d) The payment method established under par. (a) is not part of any other  
7 method used to discriminate between producers in the price paid for milk or in  
8 services furnished in connection with the purchase of milk.

9 SECTION 2. 100.22 (3) of the statutes is repealed.

10

(END)

10 ~~¶~~ (e) If the payment method established under par. (a) ✓  
requires testing of milk, the person engaged in the  
business of buying milk complies with <sup>any</sup> rules promulgated  
by the department concerning payment based on milk tests.