

2001 DRAFTING REQUEST

Bill

Received: 02/20/2002

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Judy Krawczyk (608) 266-0485

By/Representing: aide

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Agriculture - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Allow wholesalers of dairy products to sell, lend, or rent freezer cabinets to retailers of dairy products

Instructions:

See Attached

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 02/25/2002	gilfokm 02/25/2002		_____			
/1			rschluet 02/25/2002	_____	lrb_docadmin 02/25/2002	lrb_docadmin 02/25/2002	

FE Sent For:

*none needed*

<END>

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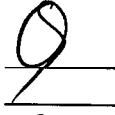
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1?	traderc	1-2/25 img		 2-25-2			

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PROPOSED AMENDMENT TO STATUTE 100.201(2)(e)

225 -  
7477

**100.201 Unfair trade practices in the dairy industry. ~**

(2) PROHIBITIONS. Each of the practices described in this subsection is declared to be an unfair trade practice. It is unlawful for any person to be engaged in such practices. No wholesaler shall: ~

(e) Furnish, sell, give, lend or rent any equipment to a retailer except:

1. The wholesaler, under a bill of sale or security agreement describing the property sold and specifying the price and terms of sale duly filed by the wholesaler under subch. V of ch. 409 within 10 days after delivery of the equipment described therein, may sell equipment for the storage, transportation, and display of selected dairy products to the retailer but the selling price shall be not less than the cost to the wholesaler, less 10% per year depreciation, plus transportation and installation costs, plus at least 6%, but in no event shall it be less than \$100 per unit. In filing bills of sale under this section, the filing officer shall follow the procedure under subch. V of ch. 409 regarding debtors who are located in this state insofar as applicable. If the wholesaler makes the sale under a security agreement, the terms of sale shall be no more favorable to the retailer than those under sub. (2) (d). Failure by any wholesaler to enforce the wholesaler's security interest under this paragraph or sub. (2) (d) if a retailer is in default for more than 90 days shall constitute prima facie evidence of a violation of this section. No wholesaler shall renegotiate a security agreement which is in default.

2. The wholesaler may provide without restriction coin-vending machines from which the product vended is consumed on the premises.

3. The wholesaler may furnish equipment to retailers for the storage, transportation or display of selected dairy products for one period of not longer than 10 consecutive days a year to any one retailer for use at a fair, exhibition, exposition or other event for agricultural, industrial, charitable, educational, religious or recreational purposes.

4. A wholesaler who furnishes, lends or rents the use of equipment for the storage or display of selected dairy products to any person exempt under sub. (1) (b) 1. shall not sell selected dairy products which will be stored or displayed in such equipment to any retailer using the equipment on the premises of such exempt person unless such retailer purchases said equipment in accordance with this paragraph or par. (d). Nothing in this paragraph shall limit sales of selected dairy products to retailers in conjunction with equipment furnished under subd. 3.

**5. The wholesaler may ~~furnish~~, sell, give, lend or rent ~~with~~ portable freezer cabinets with a storage capacity not exceeding 12 cubic feet for the purpose of retail display of frozen dessert novelties.**

5000 (in 2/25)

## 2001 BILL

1 **AN ACT to create** 100.201 (2) (c) 5. of the statutes; **relating to:** authorizing dairy  
2 product wholesalers to furnish freezer cabinets to dairy product retailers.

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### *Analysis by the Legislative Reference Bureau*

Current law generally prohibits a wholesaler of dairy products from furnishing equipment to retailers of dairy products. There are exceptions to the prohibition. For example, a wholesaler may furnish vending machines from which dairy products obtained are consumed on the premises.

This bill authorizes a dairy product wholesaler to sell, lend, or rent portable freezer cabinets to a retailer for the display of frozen dessert novelties.

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

3 **SECTION 1.** 100.201 (2) (e) 5. of the statutes is created to read:  
4 100.201 (2) (e) 5. A wholesaler may sell, lend, or rent portable freezer cabinets,  
5 each with a storage capacity not exceeding 12 cubic feet, to retailers for the purpose  
6 of displaying frozen dessert novelties to retail customers.

7 (END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

February 25, 2002

### MEMORANDUM

To: Representative Krawczyk

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-4974/1 Allow wholesalers of dairy products to sell, lend, or rent freezer cabinets to retailers of dairy products

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7290 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.