

ASSEMBLY BILL 485 (LRB -2790)

An Act relating to: expenditure of \$17,568.12 from the general fund in payment of a claim against the state made by Mullins Cheese, Inc. (FE)

2003

- 09-09. A. Introduced by Representatives **D. Meyer, Petrowski, Suder, Turner, Montgomery, Musser, Ott, Jeskewitz, Albers, Seratti, Hahn and Friske**; cosponsored by Senators **Welch, Zien and Schultz**, by request of Wisconsin Claims Board.
- 08-26. A. Read first time and referred to joint committee on Finance 342
- 09-09. A. Fiscal estimate received.

2004

- 02-17. A. Executive action taken.
- 02-19. A. Report passage recommended by joint committee on Finance, Ayes 15, Noes 0 707
- 02-19. A. Referred to committee on Rules 707
- 03-02. A. Placed on calendar 3-4-2004 by committee on Rules.
- 03-04. A. Made a special order of business at 10:08 A.M. on 3-9-2004 pursuant to Assembly Resolution 37 798
- 03-09. A. Made a special order of business at 11:28 A.M. on 3-10-2004 pursuant to Assembly Resolution 38 817
- 03-10. A. Read a second time 832
- 03-10. A. Ordered to a third reading 832
- 03-10. A. Rules suspended 832
- 03-10. A. Read a third time and **passed**, Ayes 95, Noes 4 832
- 03-10. A. Ordered immediately messaged 832
- 03-10. S. Received from Assembly 700
- 03-10. S. Read first time and referred to committee on Senate Organization 700
- 03-10. S. Available for scheduling.
- 03-10. S. Placed on calendar 3-11-2004 by committee on Senate Organization.
- 03-11. S. Placed on calendar 3-11-2004 by committee on Senate Organization.
- 03-11. S. Read a second time.
- 03-11. S. Ordered to a third reading.
- 03-11. S. Rules suspended.
- 03-11. S. Read a third time and **concurred in**, Ayes 33, Noes 0.
- 03-16. S. Ordered immediately messaged.
- 03-16. A. Received from Senate concurred in 895

**2003
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt

03 2799 /

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Relay

3/17/04 [Signature]
Date Enrolling Drafter

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2003 ASSEMBLY BILL 485

August 26, 2003 – Introduced by Representatives D. MEYER, PETROWSKI, SUDER, TURNER, MONTGOMERY, MUSSER, OTT, JESKEWITZ, ALBERS, SERATTI, HAHN and FRISKE, cosponsored by Senators WELCH, ZIEN and SCHULTZ, by request of Wisconsin Claims Board. Referred to Joint Committee on Finance.

- 1 **AN ACT relating to:** expenditure of \$17,568.12 from the general fund in payment
2 of a claim against the state made by Mullins Cheese, Inc.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$17,568.12 from the general fund in payment of a claim against the state made by Mullins Cheese, Inc., against the Department of Agriculture, Trade and Consumer Protection (DATCP). On May 1, 2002, DATCP made an inspection of the claimant's plant to test its dairy products. The results of its tests were not immediately available, and the claimant transferred some of its whey cream that was affected by the tests to a dairy. DATCP then claimed that the test results at the claimant's plant indicated excessive antibiotic residue. The claimant also performed its own tests, which indicated that antibiotic residue was not excessive. At the claimant's request, the federal Food and Drug Administration also performed tests, and was able to identify the specific drug contained in the product and determine that the residue of that drug was not excessive. While the DATCP test results were pending, the dairy to which the claimant shipped whey cream mixed it with product from other sources. While the federal test results were pending, the claimant and the dairy destroyed some original and mixed products that were affected by the tests and the claimant reimbursed the dairy for its loss. DATCP asserts that it advised the claimant to hold and not intermingle any tested products until the final test results were received. The claimant claimed \$17,568.12, representing the total value of the whey cream that was destroyed as a result of DATCP's tests. On May 15, 2003, the Claims Board recommended that this claim be paid on the basis of equitable principles (see 2003 *Senate Journal*, pp. 188-189).

