

2007 SENATE BILL 177

May 8, 2007 – Introduced by Senators KREITLOW, KAPANKE, HANSEN, COWLES, A. LASEE, OLSEN, SCHULTZ and HARSDORF, cosponsored by Representatives A. OTT, JORGENSEN, HAHN, DAVIS, HILGENBERG, BALLWEG, SHERIDAN, MURTHA, OWENS, ALBERS, VRUWINK, STRACHOTA, TAUCHEN, MOLEPSKE, SEIDEL, HIXSON, NELSON, GRONEMUS and SMITH. Referred to Committee on Agriculture and Higher Education.

1 **AN ACT** *to amend* 96.17 (1); and *to create* 96.11 (3) of the statutes; **relating to:**
2 an assessment on growers that sell corn.

Analysis by the Legislative Reference Bureau

Current law authorizes the creation of marketing orders for agricultural commodities, such as fruit, grain, and milk. A marketing order is issued by the secretary of agriculture, trade and consumer protection and takes effect upon the approval of producers of the agricultural commodity through a referendum. A marketing order may provide for market research and development, for research to improve production, and for programs to educate producers of the agricultural commodity or the public. Every marketing order must establish a marketing board, which carries out the activities under the marketing order. The activities of a marketing board are financed with assessments paid by producers. Under current law, a marketing order may allow a producer that does not favor the activities under the marketing order to obtain a rebate of the assessments paid by the producer. There is currently a marketing order for corn (other than sweet corn). The current marketing order for corn provides for an assessment of 0.1 cent per bushel and allows growers to obtain rebates.

This bill establishes an additional assessment of 0.4 cents per bushel that must be paid by corn growers who are required to pay the assessment under the marketing order for corn. The bill requires the marketing board for corn, known as the Corn Promotion Board, to use the proceeds of this assessment for the purposes of the marketing order. The bill allows a producer to obtain a rebate of the assessment imposed under the bill. The bill specifies that the 0.4 cent per bushel assessment

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ends on June 30, 2012, if corn producers approve a referendum to end the assessment.

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.** 96.11 (3) of the statutes is created to read:

2 96.11 (3) (a) 1. Except as provided under par. (c), a corn producer who sells corn
3 that is subject to the assessment levied under sub. (1) under the marketing order for
4 corn shall pay an additional assessment of 0.4 cents per bushel, to be collected and
5 remitted to the marketing board in the manner provided in the marketing order for
6 the assessment under sub. (1).

7 2. If the marketing order for corn provides for rebates under s. 96.13 (2), a
8 producer to whom subd. 1. applies may obtain a rebate of the assessment paid under
9 subd. 1. in the manner provided in the marketing order for obtaining a rebate of the
10 assessment levied under sub. (1).

11 (b) The marketing board for corn shall use the moneys received under par. (a)
12 for the purposes of the marketing order for corn.

13 (c) 1. The department shall conduct a referendum on whether to terminate the
14 assessment under par. (a) if after June 30, 2011, and before January 1, 2012, 10
15 percent of the producers who sell corn that is subject to the assessment levied under
16 sub. (1) petition for a referendum. The assessment under par. (a) does not apply after
17 June 30, 2012, if a referendum to terminate the assessment is approved by affected
18 producers.

19 2. If the marketing order for corn is terminated, pars. (a) and (b) do not apply.

20 **SECTION 2.** 96.17 (1) of the statutes is amended to read:

