

No. 235, A.]

[Published April 8, 1933.

CHAPTER 64.

AN ACT to create section 99.165 of the statutes, relating to the regulation of the distribution of milk and providing a penalty.

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

SECTION 1. A new section is added to the statutes to read:
99.165 EMERGENCY REGULATION OF THE DISTRIBUTION OF MILK IN CERTAIN MUNICIPALITIES. (1) It is declared that the provisions of this section are made necessary by a public emergency existing since November 1, 1932, growing out of the present economic depression, the present financial condition of the farmer delivering milk to certain city markets, unfair methods of competition of certain dealers buying milk for resale in such city markets, which condition seriously affects and endangers the public welfare, health and morals. The provisions of this section shall apply to cities of the first, second and third class having municipal ordinances requiring that all pasteurized milk sold in such cities shall be pasteurized within the limits of the county in which said cities are located and shall also apply to cities, villages, and to towns adjacent to any city or village, in the same county whose population is furnished with milk by any dealer or dealers operating generally in such cities of the first, second and third class. The requirement that pasteurization shall take place within the county in which any such city is located restricts the producer from marketing his milk in such cities and encourages a monopoly in the distribution of milk therein and in such cities, villages and towns adjacent thereto, located in the same county, by persons, firms or corporations with sufficient capital to install the necessary plants and pasteurizing equipment. It is declared that this section is enacted as temporary emergency legislation and that it shall terminate two years after passage and publication.

(2) The following terms, as used in this section, shall mean:

(a) "Dealer" or "distributor" means any person, firm, or corporation buying milk for resale, or selling milk, either at wholesale or retail.

(b) "Commission" means the department of agriculture and markets.

(c) "Producer" means any person producing milk delivered to any cities, villages, or towns, or adjoining area to which this section is applicable.

(3) (a) The commission shall have jurisdiction upon its own initiative, or upon complaint in writing, to inquire into any matter relating to the supply, distribution or sale of milk or cream in cities, villages and towns to which this section is applicable.

(b) If in any such inquiry the commission shall find that a public emergency exists, whereby the milk supply in any such cities, villages, and towns is likely to be interrupted or impaired in quality to an extent affecting the public health or convenience, or whereby the distribution, sale, or disposal is subject to discriminatory, unfair, or unreasonable methods of competition, resulting in unjust or unreasonable prices to the producer or jeopardizing payment for his product, or the distribution, sale, or disposal is subject to practices which will eliminate or tend to eliminate competition therein, then the commission may, after notice and hearing, as provided in section 99.24, make general or special orders, prohibiting unlawful practices, and, for temporary emergency purposes.

1. Prescribing the terms and conditions upon which milk or cream may be purchased, received, or handled.

2. Prescribing or establishing, from time to time, and when necessary to the welfare of producers and consumers of milk or cream, and of the public, temporary schedules of prices at which milk or cream shall be bought and sold at wholesale and retail or either, subject to the requirement that all such prices shall be just and reasonable. All increases in retail prices shall go to the producer.

(c) The provisions for the judicial review of orders or regulations made under subsection (3) shall be as prescribed in chapter 102 in so far as the provisions thereof are applicable.

(4) The commission is vested with power and jurisdiction to carry out the provisions and intent of this section and may do all things reasonably necessary and convenient in the exercise of such power and jurisdiction. The provisions of chapter 99, so far as applicable, except as modified by paragraph (c) of subsection (3) shall apply to and govern all proceedings under this section.

(5) (a) An order entered by the commission in a proceeding begun on its motion, or upon complaint, shall be effective on the date of the service or publication thereof, unless otherwise indicated in such order.

(b) The commission shall cause a certified copy of all such orders to be published and a copy mailed to the parties in interest that appeared before the commission.

(6) The provisions of this act shall relate to any order of the commission made since November 1, 1932.

(7) Any person, acting either personally or through an agent, or as agent of another, who violates any provision of this section or who violates or refuses or fails to obey any order or regulation made under this section, shall be punished as provided in subsections (2) and (3) of section 99.29.

(8) The provisions of subsections (1) to (7) shall be independent of each other and if the application thereof to any person or circumstance is held unconstitutional, the remainder of said sections and the applications of such provisions to other persons or circumstances shall not be affected thereby. The legislature declares that it would have passed subsection (1) to (7) and each subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more other subsections, sentences, clauses or phrases be declared invalid.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 6, 1933.

No. 435, A.]

[Published April 8, 1933.

CHAPTER 65.

AN ACT to amend subsection (1) of section 59.81 of the statutes, relating to county orders, receipt and certificates of indebtedness.

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

SECTION 1. Subsection (1) of section 59.81 of the statutes is amended to read: (59.81) (1) When any claim is allowed by any county board, either in whole or in part, said board shall direct an order to be drawn upon the county treasurer in favor of the claimant for the amount so allowed, but no order except for the per diem and mileage of the members of said board shall be drawn in favor of any claimant within five days after the allowance of his claim. Any person whose claim has been allowed in part may receive the order drawn for the part so allowed without prejudice to