

October 1983 Spec. Sess.  
Assembly Bill 7

Date of enactment: **November 10, 1983**  
Date of publication: **November 16, 1983**

**1983 Wisconsin Act 92**  
**(Vetoed in Part)\***

AN ACT to repeal subchapter I (title) of chapter 846, subchapter II (title) of chapter 846 and 846.51 to 846.72; to renumber 93.44 and 812.11 (7); to amend 16.72 (3) (b), 86.19 (1), 428.103 (1) (e) 2, 812.04 (2) and 814.70 (9) (a) (intro.); and to create ~~20.435 (3) (a), 84.30 (3) (i), 86.19 (1m), 93.44 (2) and (3), 560.23 (5), 812.11 (7) and 812.18 (2m)~~ of the statutes, relating to taxation of milk assessments and refunds of them, garnishment of the proceeds from the sale of agricultural products, ~~purchase of dairy products for juvenile correctional institutions~~, distribution of cheese at tourist information centers, foreclosure by advertisement, purchasing of farm products, promotion of Wisconsin products, dissolution of a consent order regarding dairy advertising, granting rule-making authority and making an appropriation.

**Vetoed  
in Part**

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

SECTION 1. 16.72 (3) (b) of the statutes is amended to read:

16.72 (3) (b) All materials, farm products and services required to be furnished by the department which are manufactured or produced at the institutions of the state shall be purchased from said institutions when such products or services conform to the specifications prepared by the department. To the extent possible, the department shall write specifications for the purchase of farm products so as to permit the purchase of those products from institutions of the state. All printing of forms for the state shall be done by prison industries, as created under s. 56.01 (1), when prison industries submits the lowest responsible bid, unless the head of the state agency by which the form is to be used determines that the form is needed on an emergency basis.

~~SECTION 1p. 20.005 (3) (schedule) of the statutes, at the appropriate place, insert the following amounts for the purposes indicated.~~

**Vetoed  
in Part**

\* Review of partial veto pending during the 1984 session of the legislature.

Vetoed  
in Part

	1983-84	1984-85
20.435 Health and social services, department of		
(3) CORRECTIONAL SERVICES		
(as) Dairy products for juvenile correctional inst. BPR 4	10,000	10,000
SECTION 1g. 20.435 (3) (as) of the statutes is created to read:		
20.435 (3) (as) Dairy products for juvenile correctional institutions. The amounts in the schedule to purchase dairy products for juvenile correctional institutions. In this paragraph, "dairy products" has the meaning provided under s. 97.48 (1) (a).		

SECTION 1r. 84.30 (3) (i) of the statutes is created to read:

84.30 (3) (i) Signs on farm buildings which are utilized by owners of the building for agricultural purposes if the signs promote a Wisconsin agricultural product unless prohibited by federal law.

SECTION 1s. 86.19 (1) of the statutes is amended to read:

86.19 (1) ~~No~~ Except as provided in sub. (1m), no sign shall be placed within the limits of any street or highway except such as are necessary for the guidance or warning of traffic or as provided by s. 66.046. The authorities charged with the maintenance of streets or highways shall cause the removal therefrom and the disposal of all other signs.

SECTION 2. 86.19 (1m) of the statutes is created to read:

86.19 (1m) Notwithstanding sub. (1), the department shall place 100 signs near highways and in waysides that display a slogan or logo, or both, developed by the department of agriculture, trade and consumer protection to promote Wisconsin agricultural products. The signs shall be placed in prominent locations where they are likely to be seen by tourists from other states, except that no sign may be placed in violation of federal law.

SECTION 3. 93.44 of the statutes is renumbered 93.44 (1).

SECTION 4. 93.44 (2) and (3) of the statutes are created to read:

93.44 (2) The department shall allow all products and commodities produced or manufactured in this state that meet the standards established by the department to be included in the department's promotional campaign that uses the phrase "Something Special from Wisconsin", which phrase is a certified mark that is registered under federal law. The department may establish standards to be used to prohibit or limit the use of the certified mark to preserve its marketing value and significance. The standards may prohibit or limit the use of the certified mark based upon the grade or quality of a product or commodity and the standards may prohibit the use of the certified mark by a product or commodity which imitates a product or commodity for which there is a standard of identity established under state or federal law.

(3) The department shall develop at least one slogan or logo, or both, for the promotion of Wisconsin agricultural products for display on signs placed by the department of transportation under s. 86.19 (1m).

SECTION 7. 428.103 (1) (e) 2 of the statutes is amended to read:

428.103 (1) (e) 2. In foreclosure cases, 5% of the amount adjudged due the creditor; ~~or 5% of the unpaid indebtedness, in the case of a foreclosure under ss. 846.51 to 846.72;~~ or if the dispute is settled prior to judgment, a reasonable fee based on the time, nature and extent of the work involved, but not to exceed 2-1/2% of the unpaid principal balance of the loan.

SECTION 8. 560.23 (5) of the statutes is created to read:

560.23 (5) CHEESE DISTRIBUTION. (a) The department shall distribute cheese that was donated, or purchased from donations received under par. (c), free of charge to the public each year from the 2nd to last Monday in May to the first Monday in September at

each tourist information center operated by the department in this state except the tourist information center located in Madison.

(b) Cheese distributed under par. (a) shall be in packages of one ounce or less and shall be manufactured in Wisconsin.

(c) The department shall accept cheese, and refrigeration equipment and gifts, grants, bequests and devises, for the purpose of implementing this subsection. If there is an insufficient amount of cheese available to implement this subsection, the department shall contact potential donors for donations. The department shall return any surplus cheese to the donor.

SECTION 9. 812.04 (2) of the statutes is amended to read:

812.04 (2) The garnishee summons shall be substantially in the following form:

STATE OF WISCONSIN

.... COURT

.... COUNTY

A. B., Plaintiff

vs.

C. D., Defendant

and

E. F., Garnishee

The State of Wisconsin, to ~~said~~ the garnishee:

You are hereby summoned, as garnishee of the defendant, C. D., and required, within 20 days after the service of this summons and the annexed complaint upon you, exclusive of the day of service, to answer, whether you are indebted to or have in your possession or under your control any property belonging to the defendant.

**IF YOU ARE INDEBTED TO THE DEFENDANT, YOU ARE ORDERED TO PAY THE PRESCRIBED SUBSISTENCE ALLOWANCE TO THE DEFENDANT IF EARNINGS ARE THE SUBJECT MATTER OF THIS GARNISHMENT ACTION. IF YOU ARE INDEBTED TO THE DEFENDANT FOR PAYMENT FOR THE SALE OF AGRICULTURAL PRODUCTS, YOU ARE ORDERED TO PAY THE PRESCRIBED AMOUNT TO THE DEFENDANT. YOU ARE ORDERED TO RETAIN FROM THE BALANCE THE AMOUNT OF PLAINTIFF'S CLAIM AND DISBURSEMENTS, NOT TO EXCEED \$25 FOR A SMALL CLAIMS ACTION OR \$30 FOR ALL OTHER ACTIONS, AS STATED IN THE ANNEXED COMPLAINT PENDING THE FURTHER ORDER OF THE COURT. ANY EXCESS INDEBTEDNESS SHALL NOT BE SUBJECT TO THE GARNISHMENT. IF YOU HAVE PROPERTY OR EARNINGS BELONGING TO THE DEFENDANT AND THE AMOUNT OF INDEBTEDNESS RETAINED IS LESS THAN THE AMOUNT CLAIMED AND DISBURSEMENTS, NOT TO EXCEED \$25 FOR A SMALL CLAIMS ACTION OR \$30 FOR ALL OTHER ACTIONS, YOU ARE TO RETAIN THE PROPERTY OR EARNINGS PENDING THE FURTHER ORDER OF THE COURT, EXCEPT AS PROVIDED IN S. 812.18 (3).**

You are further required to serve a copy of your answer to the garnishee complaint on the undersigned attorney and to file your original answer with the clerk of this court, within the 20-day period. In case of your failure to answer, judgment will be entered against you for the amount of plaintiff's judgment against said defendant and costs, of which the said defendant will also take notice.

If earnings are the subject matter of this garnishment action, you are required under s. 812.18 (2) to pay over to the principal defendant, on the date when the earnings subject to the garnishment action are normally payable, a subsistence allowance, out of the earnings then owing, in the sum of either 75% of the defendant's disposable earnings or 30

times the federal minimum hourly wage in effect at the time the earnings are payable, whichever is greater.

If the property which is the subject of this garnishment action is the proceeds from the sale of crops, livestock, dairy products or another product grown or produced by a person or by his or her minor children, you must pay over to the principal defendant the appropriate amount under s. 812.18 (2m) (b).

Dated this .... day of ...., 19 ....

Clerk of .... Court  
(Seal)

Attorney for Plaintiff:

....  
P. O. Address

....  
....

SECTION 10. 812.11 (7) of the statutes is renumbered 812.11 (8).

SECTION 11. 812.11 (7) of the statutes is created to read:

812.11 (7) In addition to the requirements of sub. (1), if the garnishee is indebted to or under any liability to the defendant for payment for the sale of any crops, livestock, dairy products or another product grown or produced by a person or by his or her minor children, the garnishee answer shall state the amount to be paid under s. 812.18 (2m) (b) to the defendant and the balance held by the garnishee.

SECTION 12. 812.18 (2m) of the statutes is created to read:

812.18 (2m) (a) In this section, "dependent" means any individual including a spouse who requires and is actually receiving substantial support and maintenance from the defendant.

(b) If the property which is the subject of a garnishment action is the proceeds from the sale of crops, livestock, dairy products or another product grown or produced by a person or by his or her minor children, the garnishee shall pay over to the defendant on the date when the payment would normally be made any exempt amount under s. 815.18 (15), except the maximum exemption under s. 815.18 (15) (b) is \$500 for each 30-day period and the maximum exemption under s. 815.18 (15) (c) is \$500 plus an additional \$50 for each dependent for each 30-day period.

(c) The restrictions of par. (b) do not apply in the case of:

1. An order of any court for the support of any person.
2. An order of any court of bankruptcy under chapter XIII of the bankruptcy act.
3. Any debt due for any state or federal tax.
4. An order of a court under s. 128.21.

SECTION 13. 814.70 (9) (a) (intro.) of the statutes is amended to read:

814.70 (9) (a) (intro.) A fee of \$50, of which \$25 shall be prepaid and nonrefundable, for all necessary activities of the sheriff in connection with the sale of real estate by the sheriff or other officers, under any judgment or order of court, ~~or on foreclosure by advertisement~~, and making all the necessary papers and notices, including but not limited to:

SECTION 14. Subchapter I (title) of chapter 846 of the statutes is repealed.

SECTION 15. Subchapter II (title) of chapter 846 of the statutes is repealed.

SECTION 16. 846.51 to 846.72 of the statutes are repealed.

SECTION 17. **Nonstatutory provisions.** (1) TITLE OF ACT. This act may be known as the "Emergency Dairy, Farm and Business Assistance Act".

(2) DISSOLUTION OF A CONSENT ORDER BETWEEN THE FEDERAL TRADE COMMISSION AND THE AMERICAN DAIRY ASSOCIATION. The attorney general shall intervene in or commence any action or furnish any legal services necessary to dissolve the consent order entered into between the federal trade commission and the American dairy association that required the American dairy association to refrain from advertising milk as 96% fat free.

(3) MILK ASSESSMENTS AND REFUNDS. For purposes of computing taxes under chapter 71 of the statutes, assessments (deductions) under 7 USC 1446 (d) (3) are allowable as a business expense deduction in the taxable year when they are paid or are accruable, if the amount deducted is included in gross income; and refunds of amounts deducted under 7 USC 1446 (d) (3) are income in the taxable year when they are received or are accruable.

**SECTION 18. Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
15.191 (intro.)	none	97.19 (3)

**SECTION 19. Initial applicability.** (1) FORECLOSURE BY ADVERTISEMENT. The treatment of sections 428.103 (1) (e) 2, 814.70 (9) (a) (intro.) and 846.51 to 846.72 and subchapter I (title) and subchapter II (title) of chapter 846 of the statutes by this act first applies to foreclosures of mortgages entered into, refinanced, renewed, extended or modified before the effective date of this subsection if the foreclosure sale under section 846.56 or 846.57 of the statutes has not taken place before the effective date of this subsection and to mortgages entered into, refinanced, renewed, extended or modified on or after the effective date of this subsection.

(2) GARNISHMENT ACTIONS. The treatment of sections 812.04 (2), 812.11 (7) and 812.18 (2m) of the statutes and the creation of section 812.11 (7) of the statutes by this act apply to garnishment actions in which the garnishee complaint is filed on or after the effective date of this act.

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