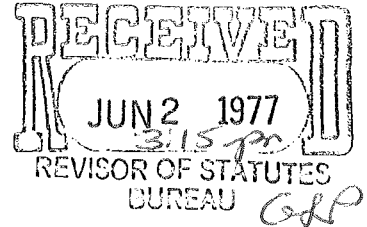


Ag 96

STATE OF WISCONSIN)
) SS
DEPARTMENT OF AGRICULTURE)



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Gary E. Rohde, Secretary of Agriculture, and custodian of the official records of the State of Wisconsin Department of Agriculture do hereby certify that the annexed order amending rules relating to the marketing order for red tart cherries, Wis. Adm. Code Chapter Ag 96, was duly adopted by this department on June 2, 1977.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 2nd day of June, 1977.

Gary E. Rohde
Secretary of Agriculture

ORDER OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE
AMENDING AND ADOPTING RULES

Pursuant to authority vested in sections 96.03, 96.08, and 227.02(1)(b), Wis. Stats., the State of Wisconsin Department of Agriculture hereby amends and adopts rules as follows:

Chapter 96

MARKETING ORDER FOR RED TART CHERRIES

The NOTE to Chapter 96, Wisconsin Administrative Code, is amended to read:

NOTE: Section 96.08, Wis. Stats., provides that every marketing order shall terminate 3 years from the date of its issuance or last assent, but that a referendum shall be conducted within 6 months of the expiration of such 3-year period to determine whether the marketing order shall remain in effect. Since its original adoption in 1959, Wis. Adm. Code Chapter Ag 96, the marketing order for red tart cherries, has been extended for successive 3-year periods by referenda conducted in accordance with requirements of s. 96.08, Wis. Stats. Its continuation for an additional 3-year period was assented to by producers of red tart cherries in a referendum conducted during a 75-day period ending May 14, 1977, and will, therefore, remain in effect for a further period of 3 years expiring July 15, 1980.

The rules contained herein shall take effect as provided
in section 227.026, Wis. Stats.

Dated: June 2, 1977.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE

By Gary E. Rohde
Gary E. Rohde, Secretary

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE

NOTICE OF CONTINUATION OF MARKETING ORDER FOR RED TART CHERRIES

NOTICE IS HEREBY GIVEN That the marketing order for red tart cherries produced in Door and Kewaunee counties for processing (Wis. Adm. Code Chapter Ag 96) will remain in effect for a further period of 3 years, or until July 15, 1980. This notice is based upon the following findings of fact and conclusions:

1. The marketing order for red tart cherries produced in Door and Kewaunee counties for processing was originally issued in 1959 as Chapter Ag 96 of the Wisconsin Administrative Code and first went into effect on July 16, 1959.

2. Section 96.08, Wis. Stats., provides that every marketing order shall terminate 3 years from the date of its issuance or last assent, and that within 6 months of the expiration of such 3-year period the Secretary of Agriculture shall conduct a vote, as provided in Section 96.07, Wis. Stats., to determine whether such marketing order shall remain in effect for an additional 3-year period. In accordance therewith, the marketing order for red tart cherries has, since date of original adoption in 1959, been extended for successive 3-year periods ending July 15, 1977, and unless its extension for an additional 3-year period was approved by producers, within 6 months prior to July 15, 1977, the marketing order would expire on that date.

3. As the marketing order was due to expire on July 15, 1977, the issue of its continuance was submitted for a vote of producers during a 75-day period ending May 14, 1977, to determine whether the order should be extended for an additional 3-year period.

4. Out of a total of 179 red tart cherry producers, on the department's established list of producers, who produced 5,728,349 pounds of red tart cherries in 1976, a total of 111 producers, with a total production of 3,818,759 pounds in 1976, approved renewing the order for an additional 3 years.

5. More than 50% of the producers on the established list of red tart cherry producers participated in the vote and more than 51% by number of those voting approved continuation of the order for an additional 3 years.

CONCLUSIONS AND ORDER

1. The vote was conducted within a 6 month period prior to expiration of the existing marketing order for red tart cherries on July 15, 1977, and in accordance with all applicable requirements of ss. 96.07, 96.08 and 96.09, Wis. Stats.

2. The vote resulted in approval, by affected producers, of the continuation of marketing order for an additional 3-year period expiring July 15, 1980.

NOW THEREFORE, pursuant to Section 96.08, Wis. Stats., and on basis of the findings and conclusions set forth herein:

IT IS ORDERED, that the marketing order for red tart cherries produced in Door and Kewaunee counties for processing, Wis. Adm. Code Chapter Ag 96, will remain in effect for an additional 3-year period expiring July 15, 1980.

Dated: June 2, 1977.

Gary E. Rohde
Secretary of Agriculture