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CHAPTER 33

AN ACT to amend 100.32 (1) (b) and (e) and 100.32 (4) and (16) (c) of the statutes, relating to including the processing and marketing of red tart cherries under the agricultural marketing act.

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

SECTION 1. 100.32 (1) (b) and (e) of the statutes are amended to read:

100.32 (1) (b) "Agricultural commodity" means any distinctive type of fruit or vegetable in its natural state * * * *including red tart cherries marketed for processing, but shall not include other fruits or vegetables which are marketed for processing.*

(e) "** * * Affected producer or handler*" means any producer or handler of an affected commodity *who is regulated by the provisions of a proposed marketing order other than by the provisions authorized under sub. 16 (c).*

SECTION 2. 100.32 (4) and (16) (c) of the statutes are amended to read:

100.32 (4) Whenever the director has reason to believe that the issuance of a marketing order or amendments to an existing marketing order will tend to effectuate the declared policy of this section with respect to any agricultural commodity, he shall, either upon his own motion or upon petition signed by 5 per cent or 100 of the * * * producers or handlers of such agricultural commodity, whichever is less, give due notice of and an opportunity for a public hearing upon a proposed marketing order or such amendments to such existing marketing order. Prior to the issuance of a notice of public hearing on any proposed marketing order, the director shall establish a list of producers or handlers of * * * such agricultural commodity or make any such existing list current. The director shall publish a notice to producers or handlers of the commodity to be affected, requiring them to file with the director a report showing the producer's or handler's name, mailing address and the yearly average quantity of * * * such commodity produced or handled by him in the 5 years preceding the date of the notice or in such lesser period as the producer or handler has produced or handled the commodity in question. The notice shall be published in such newspaper or newspapers within the affected areas as the director * * * prescribes and shall be mailed to all * * * producers or handlers on record with the director. All reports shall be filed with the director within 20 days from the last date of publication of the notice or within 30 days after the mailing of the notice to * * * producers or handlers, whichever is later. The director shall keep such lists at all times as current as possible and may require information from affected producers or handlers at various times in accordance with rules prescribed by the director. Such producer or handler lists shall be final and conclusive in making determinations relative to the assent of producers or handlers upon the issuance, amendment or termination of a marketing order and in elections under this section. The director shall then notify affected producers or handlers so listed by mail that the public hearing affording opportunity for them to be heard upon the proposed issuance, amendment or termination of the marketing order will be held at the time and place stated in the notice. Such notice of the hearing shall be given not less than 10 days nor more than 60 days prior to the hearing.

(16) (c) Handlers receiving the affected commodity from the producer, including warehousemen, to collect producer assessments from producers whose production they handle and remit the same to the director. * * * Processors of red tart cherries and lending * * * agencies for * * * commodity credit corporation * * * loans to producers shall be deemed * * * handlers for the purpose of this paragraph. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment provided for by this subsection has been paid and a receipt issued, but no liability under this subsection shall attach to common carriers in the regular course of their business.

Approved May 7, 1959.