

1971 Assembly Bill 1043

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CHAPTER 268, Laws of 1971

AN ACT to amend 96.04 (2) and 96.07 (1) (b) 4, 5 and 6 of the statutes, relating to requiring approval of marketing orders by referendum of apple growers.

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

SECTION 1. 96.04 (2) of the statutes, as amended by chapter 31, laws of 1971, is amended to read:

96.04 (2) If any proposed marketing order affects milk or apples or cherries, the secretary may, in lieu of other provisions of this section, establish a list of producers from records kept by the department or records that may be available from any other reliable source. Data relating to the amount of milk or apples or cherries produced shall not be required. No marketing order for milk or apples or cherries shall be issued unless the secretary finds that the list so established represents at least a majority of the affected producers. The list of producers established by the department shall be final and conclusive in determining whether a marketing order has been approved by referendum or written assent.

SECTION 2. 96.07 (1) (b) 4, 5 and 6 of the statutes, as amended by chapter 31, laws of 1971, are amended to read:

96.07 (1) (b) 4. That with respect to a marketing order affecting producers of milk or apples or cherries the marketing order is approved by not less than 51% of the producers of those voting in a referendum, provided that 50% of the producers on the established list vote in such referendum. In determining whether a marketing order has been approved by producers the secretary shall consider the approval or disapproval of a cooperative association that purchases milk or apples or cherries from its members as the approval or disapproval of such members, providing the cooperative has first notified its members in writing of its intention to cast a bloc vote. Such notice shall inform the producer of his right to cast his vote individually by requesting a ballot from the department. In like manner a cooperative association that markets milk or apples or cherries as agent of its members may cast a bloc vote for its members who are not member patrons of another dairy apple or cherry cooperative. At least 30 days prior to the commencement of a referendum a cooperative that intends to cast a bloc vote for its members shall file with the department a list of its members for whom it is eligible to vote, together with a statement that it has complied with the notice requirements of this subdivision.

5. That with respect to a marketing order that affects producers of milk  , apples or cherries the marketing order has been assented to in writing by not less than 51% of the producers as determined from the list established by the department. The bloc voting provisions of subd. 4 ~~shall be applicable~~ apply to this subdivision, but a member of a cooperative may notify the department that he approves or disapproves of the order and his name shall be deleted from the written vote of a cooperative.

6. Section 96.08 ~~shall apply~~ applies to marketing orders affecting producers of milk  , apples or cherries, ~~provided that~~ but provisions relating to volume of milk  , apples or cherries produced by those voting ~~shall do not be applicable~~ apply.

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