

to an expired term of office on the marketing board shall be made by the board not later than 90 days before expiration of the term, and nominations shall be filed not later than 60 days before the term of office expires. Elections to fill expired terms of office shall be held within the 60-day period preceding the expiration of the terms of office. If no nominations are made by affected producers within the times specified, the secretary or marketing board may nominate affected producers for election.

(b) Affected producers residing in the various districts shall elect one affected producer from the district to serve on the marketing board. The nominee receiving the highest number of votes in each of the districts shall be the board member representing that district.

(2) TERM OF OFFICE; REMOVAL; VACANCIES. (a) In the initial election of marketing board members, members elected from districts one, 4, 7, 10, 13, 16, 19, 22 and 25 shall serve a one-year term; board members elected from districts 2, 5, 8, 11, 14, 17, 20 and 23 shall serve a 2-year term; and board members elected from districts 3, 6, 9, 12, 15, 18, 21 and 24 shall serve a 3-year term. All other elections of affected producers to the marketing board shall be for 3-year terms.

(b) Each member of the marketing board shall continue to be an affected producer during the term of office. Failure of a board member to continue as an affected producer shall create a vacancy on the marketing board.

(c) If a vacancy occurs for any reason, the marketing board shall appoint an affected producer as a successor to fill the unexpired term. The successor shall be from the same district in which the vacancy occurs.

(3) DUTIES. The duties of the marketing board shall include the following:

(a) To adopt by-laws consistent with the articles of incorporation, ch. 96, Stats., and this order.

(b) To develop and maintain administrative services necessary for proper administration of this order.

(c) To protect the confidentiality of information obtained under this order relating to the businesses of individual producers or handlers.

(d) To develop and recommend to the secretary administrative rules related to this order.

(e) To receive, evaluate and report to the secretary complaints of violations of this order.

(f) To recommend to affected producers or to the secretary amendments to this order.

(g) To develop procedures for collecting assessments to cover expenses incurred in carrying out programs and the administration of this order.

(h) To collect such information and data as necessary for proper administration of this order.

(i) To determine how the funds collected under this order are to be allocated.

(j) To annually prepare a statement on operations of this order, including an audited financial statement, prepared independently or by the secretary, for the previous marketing year.

(k) To maintain a bond on its officers and employes in an amount of not less than 50% of the annual budget of this order.

(4) **MARKETING SERVICES.** The marketing board may, for the purpose of expending funds for advertising and promotion, name the American dairy association of Wisconsin as the board's marketing agent. Under this subsection, the American dairy association of Wisconsin may participate and cooperate with any public or private organization.

History: Cr. Register, June, 1983, No. 330, eff. 7-1-83.

Ag 144.05 Applicability of order. This order shall be applicable to all milk produced in the state and introduced into commercial channels.

History: Cr. Register, June, 1983, No. 330, eff. 7-1-83.

Ag 144.06 Assessments. (1) Affected producers shall be liable for an assessment of 10¢ per hundredweight on all milk sold to or marketed by a handler. Hundredweight shall be determined on the basis of scale weights, bulk tank measurements by licensed weighers and samplers, milk statements, or a combination of the above.

(2) Assessments shall be deducted by handlers from amounts due affected producers and shall become due to the marketing board at the time title to the milk is transferred from affected producers to handlers.

(3) When milk is sold by affected producers to non-resident handlers, affected producers shall be deemed to be producer-handlers, as defined in s. Ag 144.01 (7), acting on their own behalf and assessments shall be due to the marketing board at the time title is taken by the non-resident handler. Producer-handlers shall maintain records, file reports and remit assessments due on their own milk to the marketing board in accordance with procedures under this chapter.

(4) Assessments shall be payable monthly to the marketing board on the date final settlement is made to affected producers for milk sold during the preceding month and in accordance with procedures specified by the marketing board.

(5) Producers processing or selling their own milk directly to consumers shall be liable for payment of assessments. Assessments due from affected producers selling milk directly to consumers shall be payable quarterly to the marketing board and a report filed at the time the assessments are payable, in accordance with procedures specified by the marketing board.

(6) The marketing board, or the secretary, shall have the authority to audit financial and other records of handlers, producers or their agents pertaining to assessments and to ensure compliance with this section.

History: Cr. Register, June, 1983, No. 330, eff. 7-1-83; am. (1), Register, July, 1991, No. 427, eff. 8-1-91.

Ag 144.07 Reports. (1) Each handler shall maintain accurate records and accounts of all milk purchased from affected producers. Records shall include, but may not be limited to, names and addresses of producers from whom milk was purchased or sold, quantities of milk purchased or sold, and the dates title of milk was taken and payments made or

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