

Ag 96



STATE OF WISCONSIN )  
 )  
DEPARTMENT OF AGRICULTURE, TRADE ) SS  
AND CONSUMER PROTECTION )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Gary E. Rohde, Secretary of Agriculture, Trade and Consumer Protection, and custodian of the official records of the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, 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 May 20, 1980.

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 17<sup>th</sup> day of June, 1980.

Gary E. Rohde  
Gary E. Rohde, Secretary  
Department of Agriculture, Trade  
and Consumer Protection

ORDER OF THE STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
REPEALING, AMENDING AND ADOPTING RULES

Relating to rules concerning the marketing order for red tart cherries,  
Wis. Adm. Code, Chapter 96.

Pursuant to authority vested in the State of Wisconsin Department of  
Agriculture, Trade and Consumer Protection by sections 96.03, 96.08, 96.12  
and 227.02(1)(b), Wis. Stats., the State of Wisconsin Department of Agriculture,  
Trade and Consumer Protection hereby repeals, amends and adopts rules interpret-  
ing sections 96.03, 96.08 and 96.12 as follows:

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 refer-  
enda conducted in accordance with requirements of s. 96.08, Wis. Stats. Its  
continuation for an additional 3-year period was last assented to by producers of  
red tart cherries in a referendum conducted during a 75-day period ending May 19,  
1980, and will, therefore, remain in effect for a further period of 3 years  
expiring July 15, 1983.

The rules contained herein shall take effect as provided in section  
227.026(1), Wis. Stats.

Dated: June 17<sup>th</sup>, 1980.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

BY Gary E. Rohde  
Gary E. Rohde, Secretary

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION

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, 1983. 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, 1980, and unless its extension for an additional 3-year period was approved by producers, within 6 months prior to July 15, 1980, the marketing order would expire on that date.

3. As the marketing order was due to expire on July 15, 1980, the issue of its continuance was submitted for a vote of producers during a 75-day period ending May 19, 1980, to determine whether the order should be extended for an additional 3-year period.

4. Out of a total of 206 red tart cherry producers, on the department's established list of producers, who produced 14,432,911 pounds of red tart cherries in 1979, a total of 129 producers, with a total production of 10,131,513 pounds in 1979 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

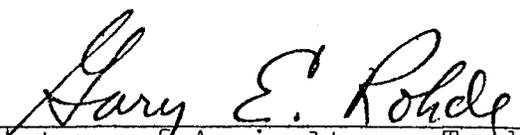
1. The vote was conducted within a 6 month period prior to expiration of the existing marketing order for red tart cherries on July 15, 1980, and in accordance with all applicable requirements of ss. 96.07, 96.08, and 96.09, Wis. Stats.

2. The vote resulted in approval, by affected producers, of the continuation of marketing order for an additional 3-year period expiring July 15, 1983.

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, 1983.

Dated: June 17<sup>th</sup>, 1980.

  
Secretary of Agriculture, Trade  
and Consumer Protection

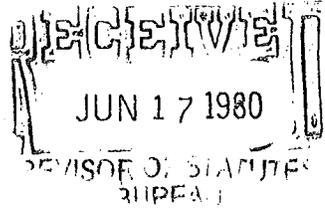


# State of Wisconsin

DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION

Gary E. Rohde  
Secretary

June 11, 1980



801 WEST BADGER ROAD  
P.O. Box 8911  
MADISON, WISCONSIN 53708  
608 266-1721

Mr. Gary Poulson  
Revisor of Statutes Office  
Room 411 West  
State Capitol  
Madison, WI 53702

Dear Gary:

Enclosed is a copy of the Order amending the footnote in Chapter Ag 96, Wis. Adm. Code (Marketing Order for Red Tart Cherries), to show that the marketing order has been extended for an additional 3 years expiring July 15, 1983. Under s. 96.08, Wis. Stats., each marketing order expires every third year after date of issuance unless extended for an additional 3 years by vote or referendum of affected producers.

Also enclosed for your information is a copy of Notice of Continuation of Marketing Order for Red Tart Cherries, containing the Department's findings and conclusions, and order concerning the recent producer vote and officially extending the existing order for an additional 3 years expiring July 15, 1983.

Sincerely,

  
G. A. Schueler  
Counsel

GAS:clm

Enclosure