

**ADMINISTRATIVE RULES  
FISCAL ESTIMATE  
AND ECONOMIC IMPACT ANALYSIS**

Type of Estimate and Analysis

Original     Updated     Corrected

Administrative Rule Chapter, Title and Number

Ch. ATCP 141, Cherry Marketing Order

Subject

Marketing Order program for Cherries

Fund Sources Affected

Chapter 20 , Stats. Appropriations Affected

GPR     FED     PRO     PRS     SEG SEG-S

None

Fiscal Effect of Implementing the Rule

No Fiscal Effect  
 Indeterminate

Increase Existing Revenues  
 Decrease Existing Revenues

Increase Costs  
 Could Absorb Within Agency's Budget  
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Specific Businesses/Sectors

Local Government Units

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes     No

Policy Problem Addressed by the Rule

This rule changes the cherry marketing board from a 7 member board with two districts each represented by 3 board members plus one at large member to a 5 member board with all members elected at large.

DATCP administers Wisconsin's agricultural marketing law which authorizes the creation of marketing orders for agricultural commodities. Each marketing order board collects assessments from producers of the applicable commodity. The assessments may be expended by the board for promotion, research or consumer education of the commodity. The provisions of Ch. 96, Stats., and Ch. ATCP 140 Wis. Adm. Code and the applicable marketing order (Chs. ATCP 141 to 148) govern the organization of each of the seven marketing order boards, the election of marketing board members, the assessment of producers and the use of assessments.

In recent years, the number of cherry growers has decreased so that currently there are 33 growers. The number of growers in each district has also changed. With the number of growers down to 33, it became difficult to consistently elect 7 members willing to serve on the Board. The Board requested the proposed amendment in order to have representation appropriate to the size of the industry. The Board also requested that the elections be at large rather than by district so that the representation would remain equitable regardless of changes to the location of producers.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

**Local Governments**

This rule will not impact local governments.

**Cherry Growers**

This rule will have no negative economic impact on small businesses. The reduction of board membership plus the elimination of election districts will reduce the cost of administering elections and thus free up more assessment monies for cherry promotion, research and education benefiting cherry growers.

**Utility Rate Payers**

The rule will have no impact on utility rate payers.

**General Public**

This rule will have no effect on the general.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

*Benefits*

This rule will benefit cherry growers by improving and making more equitable representation on the Cherry Marketing Board and by reducing the cost of cherry Board elections thereby freeing up more assessment monies for cherry promotion, research and education.

**General Public**

The general public will benefit from this rule as a result of continued growth of an important segment of the Wisconsin economy.

*Alternatives*

The alternative is to leave cherry board representation as is instead of making the representation that is more equitable and appropriate to the size of the industry.

Long Range Implications of Implementing the Rule

Long-term, implementing the rule will benefit business, the general public, and the Wisconsin economy as improved representation and lower cost elections will promote growth of the cherry industry in Wisconsin.

Compare With Approaches Being Used by Federal Government

There is a federal marketing order for cherries under which assessments are collected in a manner similar to the state cranberry marketing order. The state and federal marketing orders are operated cooperatively to effectively use the assessments for the benefit of cranberry growers.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

There are very few cherry producers in the surrounding states and none of the surrounding states have a cranberry marketing order.

Comments Received in Response to Web Posting and DATCP Response

No comments were received in response either to the posting on the DATCP external website or the statewide administrative rules website.

