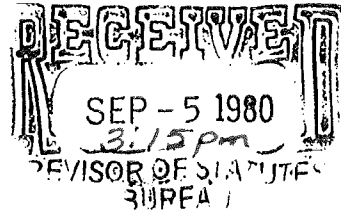


Ag 97

STATE OF WISCONSIN )  
DEPARTMENT OF AGRICULTURE, ) ss.  
TRADE & 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 cranberries, Wis. Adm. Code Chapter Ag 97, was duly adopted by this department on August 25<sup>th</sup>, 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 TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the City of Madison, this 25<sup>th</sup> day of August, 1980.

Gary E. Rohde  
Gary E. Rohde, Secretary

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

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)(a), Wis. Stats., the State of Wisconsin Department of Agriculture, Trade and Consumer Protection hereby amends and adopts rules as follows:

Chapter 97

MARKETING ORDER FOR CRANBERRIES

The NOTE to Chapter 97, 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 1965, Wis. Adm. Code chapter Ag 97, the marketing order for cranberries, has been extended for successive 3-year periods by referenda conducted in accordance with requirements of section 96.08, Wis. Stats. Its continuation for an additional 3-year period was assented to by producers of cranberries in a referendum conducted in August, 1980, and will, therefore, remain in effect for a further period of 3 years expiring August 31, 1983.

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

Dated: August 25<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

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NOTICE OF CONTINUATION OF MARKETING ORDER FOR CRANBERRIES

NOTICE IS HEREBY GIVEN That the marketing order for cranberries produced in Wisconsin (Wis. Adm. Code Chapter Ag 97) will remain in effect for a further period of 3 years or until August 31, 1983. This notice is based upon the following findings of fact and conclusions:

(1) The marketing order for cranberries produced in Wisconsin was originally issued in 1965, as Chapter Ag 97 of the Wisconsin Administrative Code, and first went into effect on September 1, 1965.

(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, Trade and Consumer Protection 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 cranberries has, since date of original adoption in 1965, been extended for successive 3-year periods ending August 31, 1980, and unless its extension for an additional 3-year period was approved by producers, within 6 months prior to August 31, 1980, the marketing order would expire on that date.

(3) As the marketing order was due to expire on August 31, 1980, the issue of its continuance was submitted for a vote of producers during a 15-day period ending August 11, 1980, to determine whether the order should be extended for an additional 3-year period.

(4) Ballots were mailed to 127 cranberry producers representing the total number of producers on established lists maintained by the Department. Producers

on the list produced a total of 900,955 barrels of cranberries during the 1979 year.

(5) A total of 95 producers voted in the referendum. Out of this number, 83 producers, with a 1979 production of 669,777 barrels of cranberries voted in favor of the extension of the order for an additional 3 years.

(6) A total of 74.8 percent, or more than 51 percent of the producers on the established list, voted in the referendum. Out of those voting, 87.4 percent by number, producing 74.3 percent, or more than 51 percent of the total volume of production, voted in favor of the extension of the order for an additional 3 years. These figures also reflect the fact that extension was approved by more than 51 percent of producers who produce more than 51 percent of the volume.

CONCLUSIONS AND ORDER

(1) The vote was conducted within a 6-month period prior to expiration of the existing marketing order for cranberries on August 31, 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 the marketing order for an additional 3-year period expiring August 31, 1983, under s. 96.07(1)(b)(3), Wis. Stats.

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 cranberries produced in Wisconsin, Wis. Adm. Code Chapter Ag 97, will remain in effect for an additional 3-year period expiring August 31, 1983.

DATED: August 25<sup>th</sup>, 1980.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE & CONSUMER PROTECTION

By Gary E. Rohde  
Gary E. Rohde, Secretary

1980  
CRANBERRY MARKETING ORDER  
REFERENDUM RESULTS

Voting producers <sup>1</sup>	127
Voting production <sup>2</sup>	900,955 barrels

Referendum

Shall the existing State Marketing Order for cranberries produced in Wisconsin remain in effect?

Option I

A.	Producer ballots received		100
	Ballots received and invalid		5
	Number of producers voting		95
	Production voting		782,073 barrels
	Percent of registered production voting	$\frac{782,073}{900,955}$	= 86.8%
	Percent of producers voting (Must be 51%)	$\frac{95}{127}$	= 74.8%
B.	Number of producers that voted "Yes"		83
	Percent of producers voting that voted "Yes" (Must be 67%)	$\frac{83}{95}$	= 87.4%
C.	Volume of those voting that voted "Yes"		669,777 barrels
	Percent of registered production that voted "Yes" (Must be 51%)	$\frac{669,777}{900,955}$	= 74.3%

Option II

A.	Percent of all producers voting "Yes" (Must be 51%)	$\frac{83}{127}$	= 65.4%
B.	Percent of registered production voting "Yes" (Must be 51%)	$\frac{669,777}{900,955}$	= 74.3%

For adoption or continuation of a Wisconsin cranberry marketing order, the Statutes provide for a choice of options. Only one option is required to be met for renewal. Both options were satisfied.

<sup>1</sup>Producing in 1979 and in process of producing in 1980.

<sup>2</sup>Production marketed in preceding year (96.07(3)).

CRANBERRY MARKETING ORDER REFERENDUM SURVEY

MARKETING ORDER SUMMARY 3-YEAR PERIOD

	<u>1965</u>	<u>1968</u>	<u>1971</u>	<u>*1974</u>	<u>1977</u>	<u>1980</u>
Total Registered Cranberry Growers of Record	130	143	144	146	133	127
Total Number of Individual Ballots Returned	105	111	108	112	101	100
Total Number of Counted Ballots	103	107	106	110	97	95
Total Number of <u>Ballots Voting "Yes"</u>	79	100	92	104	83	83
Percent of those Voting that Voted "Yes"	75	93.4	83.5	94.5	85.6	87.4
Percent of all that Voted "Yes"	60.9	69.9	63.8	71.2	62.4	65.4
Total Registered Cranberry Volume Barrels	384,875	455,326	686,183	753,780	977,795	900,955
Total by Volume Barrels Voting "Yes"	249,901	369,200	573,081	604,793	774,465	669,777
<u>Percent by Volume Voting "Yes"</u>	65	81.1	83.5	80.23	79.2	74.3
Number of those Voting that Voted "No"	26	7	14	6	14	12
Number not Voting	---	32	38	36	36	32

\* Amendment in 1974 to raise assessment to 3¢ per barrel was adopted by 79.09% of producers voting and 70.86% of registered volume voting. This represented 59.58% of all registered producers.

OTHER INFORMATION

Number of those voting that voted "No"	12
Percent of producers voting "No"	9.4%
Volume of registered production voting that voted "No"	118,098
Percent of volume voting "No"	13.1%
Number of producers not voting on referendum	32
Percent of producers not voting on referendum	25.2%
Volume of production not voting	117,267
Percent of volume not voting	13.0%

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ADVISORY COUNCIL ELECTION TALLY

<u>Name</u>	<u>Address</u>	<u>Votes Received</u>
Leo Sorenson	Sorenson Cranberry Co. 449 Greenwood, Wisconsin Rapids, WI 54494	65
Guy Gottschalk	Gottschalk Cranberry, Inc. 6124 Hwy. 173, Wisconsin Rapids, WI 54494	55
Eric Jonjak	Box 129 Trego, WI 54888	55
Kay Roberts Finch	Route 3, Box 320 Black River Falls, WI 54615	51
John R. Rezin	Russell Rezin & Son, Inc. RR 2, Box 8, Warrens, WI 54666	51
-Alternates-		
Charles H. Lewis	Shell Lake, WI 54871	50
Bruce R. Potter	Camp Douglas, WI 54618	36
Albert J. Amundson	Babcock, WI 54413	30
Leonard E. Rodeghier	Wisconsin Rapids, WI 54494	28
Mary C. Brown	Wisconsin Rapids, WI 54494	25



# State of Wisconsin

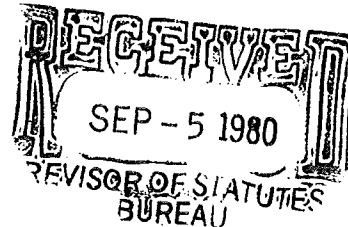
DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION

September 4, 1980

Gary E. Rohde  
Secretary

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 Mr. Poulson:

Enclosed is a copy of the Order amending the footnote to Chapter Ag 97, Wis. Adm. Code (Marketing Order for Cranberries), to show that the marketing order has been extended for an additional 3 years expiring August 31, 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 copy of Notice of Continuation of Marketing Order for Cranberries, containing the Department's findings of fact, conclusions and order concerning the recent producer vote and officially extending the existing order for an additional 3 years expiring August 31, 1983.

Sincerely,

A handwritten signature in cursive script that reads 'G. A. Schueler'.  
G. A. Schueler  
Counsel

GAS:clm

Enc.