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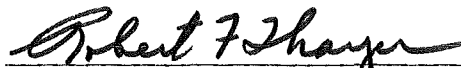
STATE OF WISCONSIN)
) SS.
DEPARTMENT OF AGRICULTURE,)
TRADE & CONSUMER PROTECTION)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Robert F. Thayer, Administrator, Marketing Division, State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order adopting rules relating to a mint marketing order for the levy and payment of assessments for the purpose of financing research, market development and educational programs, and the creation of a marketing board for administration of the marketing order, Chapter Ag 147, Wis. Adm. Code, was duly approved and adopted by the Department on October 11, 1983.

I further certify that said copy has been compared by me with the original on file in the 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 11 day of October, 1983.



Robert F. Thayer, Administrator
Marketing Division

12-1-83

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ORDER OF THE

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STATE OF WISCONSIN

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DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

ADOPTING, AMENDING AND REPEALING RULES

To create Chapter Ag 147 relating to a mint marketing order for the levy and payment of assessments for the purpose of financing research, market development and educational programs, and the creation of a marketing board for administration of the marketing order.

Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection

The department's rules relating to marketing of mint in the State of Wisconsin apply to all producers of mint. Prepared at the request of the Wisconsin Mint Growers Association Cooperative, the rule creates a state mint marketing order for the purposes of financing market research and development, research relating to production, marketing or handling practices, and educational programs related to the sale of mint and mint products. The marketing order contains no provision which limits acreage or quantity of mint produced or sold by growers. Funds will be raised through producer assessment of 2 cents (\$0.02) per pound of mint sold during the first crop year in which the marketing order is in effect. In subsequent years, the marketing board will annually set the rate of assessment but with a maximum allowable assessment of 6 cents (\$0.06) per pound, depending on the annual operating budget of the board. Funds may be used to jointly sponsor projects with any public or private organization to meet the objectives of the marketing order.

The marketing order will be administered by a mint marketing board consisting of 5 producers elected for staggered 3-year terms. The board will be incorporated as a non-stock, non-profit corporation. In addition to the responsibilities associated with the administration of the marketing order, the duties of the marketing board include: collection of marketing information, protection of confidential information, reporting non-compliance with the provisions of the marketing order, recommending rules and amendments related to the marketing order, and collection and allocation of funds. The marketing board is required to maintain a bond on its officers and employees and to annually prepare a statement of operations.

Each producer selling mint to handlers is liable for payment of assessments under the mint marketing order. The proposal does not contain a provision for producer refunds. Handlers receiving and purchasing mint from producers are responsible for collecting the assessment from amounts due the producers. Assessments are payable to the marketing board not later than 15 days from the end of the month in which assessments became due. Producers acting as handlers on their own behalf must also remit assessments due on their own mint.

In addition to collecting and remitting assessments, handlers must maintain accurate records of purchases of mint from producers and may be required to submit reports to the marketing board to verify assessments paid into the marketing order. The marketing board has authority to audit handlers or producers to ensure compliance.

It is estimated that the mint marketing order will generate \$8,000.00 to \$12,000.00 per year in assessment revenue. The estimated average volume of mint sold by a producer in this state is 7,250 pounds. If a producer sold 7,250 pounds in a year, that producer would be liable for assessments totaling \$145.00 at 2 cents per pound or \$435.00 at 6 cents per pound.

Any department services required by the marketing board will be provided on a cost-recovery basis.

1 Pursuant to authority vested in the State of Wisconsin
 2 Department of Agriculture, Trade and Consumer Protection by
 3 s. 96.15, Stats., the State of Wisconsin Department of Agricul-
 4 ture, Trade and Consumer Protection adopts rules as a mint
 5 marketing order interpreting Chapter 96, Stats., as follows:

6 Section 1. Chapter Ag 147 is created to read:

7 Ag 147.01 DEFINITIONS. As used in this chapter, unless the
 8 context requires otherwise:

9 (1) "Affected producer" or "producer" means an individual,
 10 partnership, corporation or other business entity engaged as an
 11 owner or tenant in the production and sale of mint.

12 (2) "Handler" means any person including a processor, agent
 13

1 or producer engaged in the business of buying mint from a
2 producer.

3 (3) "Marketing board" or "board" means a ch. 181, Stats.,
4 non-stock corporation consisting of affected producers elected to
5 serve as board members and having the duties described in this
6 order.

7 (4) "Mint" means mint oil produced from any variety of
8 Mentha cardiaca, Mentha piperita, and Mentha spicata.

9 (5) "Producer-handler" means an affected producer who sells
10 mint to a non-resident handler.

11 (6) "Secretary" means the secretary of the state of
12 Wisconsin department of agriculture, trade and consumer
13 protection.

14 Ag 147.02 PURPOSE. (1) The primary objective of this mar-
15 keting order is to improve the production and sales of mint prod-
16 ucts. This includes the development of new products and new mar-
17 kets; improving methods and practices related to producing, pro-
18 cessing or marketing mint; and to inform or educate producers,
19 handlers or consumers.

20 (2) Funds collected under this order may be used by the mar-
21 keting board to meet one or more of the objectives described in
22 this order including market research and development, industrial
23 research and educational programs. Funds may by used by the
24 marketing board to jointly sponsor projects with any private or
25 public organization to meet the objectives of this order.

26 Ag 147.03 MARKETING BOARD. (1) MEMBERSHIP. (a) A mint
27 marketing board consisting of 5 affected producers is established

1 to administer this order. Board members shall be nominated and
2 elected as prescribed in s. 96.10(1), Stats. Notice of the secre-
3 tary's decision for issuance of this marketing order shall contain
4 a call for nominations for election of board members to initial
5 terms of office. Nominations shall be filed not earlier than
6 32 days and not later than 64 days after the date of the secre-
7 tary's call for nominations, and the election held concurrently
8 with the referendum during the period set by the secretary. A
9 call for nominations of affected producers for subsequent election
10 to an expired term of office on the marketing board shall be made
11 by the board not later than 90 days before expiration of the term,
12 and nominations shall be filed not later than 60 days before the
13 term of office expires. Elections to fill expired terms of office
14 shall be held within the 60-day period preceding expiration of the
15 term of office. If no nominations are made by affected producers
16 within the specified times, the secretary or marketing board may
17 extend the time period within which nominations may be filed.

18 (b) Producers shall elect 5 members at large to serve on the
19 marketing board. The nominees shall be affected producers and
20 those receiving the highest number of votes in the election shall
21 be the board members representing all other affected producers.

22 (2) TERM OF OFFICE; REMOVAL; VACANCIES. (a) For the ini-
23 tial election of marketing board members, the board member receiv-
24 ing the highest number of votes shall hold office for a period of
25 3 years, the 2 board members receiving the second and third
26 highest number of votes shall hold office for a period of 2 years,
27 and the 2 board members receiving the lowest number of votes shall

1 hold office for a period of one year.

2 (b) All subsequent elections to the marketing board shall be
3 for 3-year terms.

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

8 (d) If a vacancy occurs for any reason, the marketing board
9 shall appoint an affected producer as a successor to serve the
10 remainder of the unexpired term of office.

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

13 (a) To adopt bylaws consistent with the articles of
14 incorporation, ch. 96, Stats., and this order.

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

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

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

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

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

26 (g) To develop procedures for collecting assessments used in
27 funding programs and the administration of this order.

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

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

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

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

11 Ag 147.04 APPLICABILITY OF ORDER. This order shall be
12 applicable to all mint produced in Wisconsin and sold in
13 commercial channels.

14 Ag 147.05 ASSESSMENTS. (1) Each producer shall be liable
15 for an assessment of 2 cents (\$0.02) per pound on all mint sold to
16 a handler during the first year for which the marketing order is
17 in effect. In subsequent years, the marketing board shall annu-
18 ally determine the rate of assessment to be levied and collected,
19 but in no event shall it exceed 6 cents (\$0.06) per pound on all
20 mint sold to a handler. Pounds of mint oil shall be determined on
21 the basis of scale tickets, invoices, bills of lading, or other
22 sales or shipping documents or any combination of the above.

23 (2) When mint is sold by producers to handlers, assessments
24 shall be deducted or collected by handlers from amounts due pro-
25 ducers and shall become due to the marketing board at the time
26 title to the mint is transferred from producers to handlers.

27 (3) When mint is sold by producers to non-resident handlers,

1 producers shall be deemed to be producer-handlers, as defined in
2 Ag 147.01(5), acting on their own behalf, and assessments shall be
3 due to the marketing board at the time title to the mint is taken
4 by the non-resident handler.

5 (4) Assessments due to the marketing board shall be payable
6 to the board not later than 15 days from the end of the month in
7 which assessments became due and in accordance with procedures
8 specified by the marketing board.

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

12 Ag 147.06 REPORTS. (1) Each producer shall maintain
13 accurate records of all mint production. Producer records shall
14 include, but may not be limited to, quantity and disposition of
15 mint production. Each handler shall maintain accurate records and
16 accounts of all mint purchased from producers. Handler records
17 shall include, but may not be limited to, names and addresses of
18 each producer from whom mint was purchased, the quantity of mint
19 purchased, and the dates title to the mint was taken and payments
20 made or received. Each producer, handler, and producer-handler
21 shall maintain and submit reports to the marketing board as the
22 secretary or the marketing board may require as often as necessary
23 to ensure compliance with this order and proper collection of
24 assessments.

25 (2) The secretary may require the marketing board to provide
26 information necessary for enforcement of ch. 96, Stats., or this
27 order.

1 Ag 147.07 VIOLATIONS. Any person who violates a provision
2 of this order is subject to the penalties provided in s. 96.17,
3 Stats.

4 The rules contained in this order shall take effect
5 subsequent to the election of the marketing board as provided in
6 s. 96.10(1), Stats., and on the first day of the month following
7 publication in the Wisconsin administrative register as provided
8 in s. 227.026(1), Stats.

9 Dated: October 11, 1983.

10 STATE OF WISCONSIN
11 DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

12
13 By Robert F. Thayer
14 Robert F. Thayer, Administrator
Marketing Division

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