



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary-designee Randy Romanski

DATE: May 10, 2021

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary-designee
Krista Knigge, Administrator, Division of Agriculture Development

SUBJECT: ATCP 160, (County and District Fairs)

PRESENTED BY: Sharon Henes, Program Policy Analyst, Division of Agriculture Development

REQUESTED ACTION:

At the May 13, 2021, Board meeting, the Department will request approval of the attached scope statement, regarding ch. ATCP 160 relating to county and district fairs.

SUMMARY:

The objective of the proposed rule is to complete a comprehensive review of ATCP 160. The Department will identify and consider the following: updating any burdensome requirements; modernizing to allow for electronic technology; clarify requirements, including reporting and submission requirements; and update formatting to reflect current rule promulgation standards. This project will modify the rules to ensure statutory compliance including necessary updates resulting from 2015 Act 207. In addition, the Department will review and consider updating the classes of exhibits which are approved for the purposes of state aid, premium awards in such classes and entry qualifications, fees and charges for exhibitors. To ensure the integrity of the prize awards, the requirements for judges and judging may be updated.

The Governor approved the scope statement on April 22, 2021. Scope Statement 042-21 was published on April 26, 2021. The Joint Committee for Review of Administrative Rules has not requested a preliminary hearing be held on the scope.

DATCP is requesting approval of the Scope Statement for implementation in order for the Department to begin drafting rule revisions.

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STATEMENT OF SCOPE

Department of Agriculture, Trade and Consumer Protection

Rule No.: ATCP 160

Relating to: County and District Fairs

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to complete a comprehensive review of ATCP 160 and make revisions to ensure the chapter is statutorily compliant, updated for technology, and current with industry standards and practices.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The department will conduct a comprehensive review of the chapter to identify and consider the following: updating any burdensome requirements; modernizing to allow for electronic technology; clarify requirements, including reporting and submission requirements; and update formatting to reflect current rule promulgation standards

This project will modify the rules to ensure statutory compliance including necessary updates resulting from 2015 Act 207.

In addition, this rule will review and consider updating the classes of exhibits which are approved for the purposes of state aid, premium awards in such classes and entry qualifications, fees and charges for exhibitors. Several of the classes are no longer in line with industry standards and practices. In order to effect wider participation and interest by the public in exhibits and ensure the integrity of the prize awards, the requirements for judges and judging may be updated.

The alternative to not revising rules is maintaining rules which are out of date with today's technology and industry standards. The failure to allow electronic technology to be utilized creates inconvenience for judges and fair organizations. Currently there is some confusion regarding the submission and reporting requirements and the alternative to revising the rule is to have unclear requirements in the rules. In addition, the failure to have the classes of exhibits be in line with industry standards creates a burden for those who participate or judge in multiple fairs.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

It shall be the duty of the department to make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100, which regulations shall have the force of law. [s. 93.07, Stats.]

No fair, association, or board shall receive state aid unless its premium list, entry fees, and charges conform to uniform premium lists and other rules established under subd. 2., both as to premiums offered, amounts to be paid, entry fees to be charged, and all other charges for exhibiting.

2. In order to have a more equitable distribution of state aid among fairs and to effect wider participation and interest by the public in exhibits, the department may prescribe uniform premium lists setting forth classes of exhibits which will be approved for the purposes of state aid, premium awards in such classes and entry qualifications, fees and charges for exhibitors. All fairs shall receive aid in the same manner, except that an entity operating a fair may impose restrictions on the total number of fairs at which an exhibitor may participate in order to be eligible for premium awards for exhibits at that fair. [s. 93.23 (1) (a) 1. b and 2., Stats.]

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

150 hours

6. List with description of all entities that may be affected by the proposed rule:

County and district fair organizations, exhibitors, judges, and the public who attend fairs.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

There is no to minimal economic impact and the rule is not likely to have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Program Policy Analyst - Advanced, (608) 381-2808



Randy Romanski, Secretary-designee

April 9, 2021
Date Submitted