



State of Wisconsin
Governor Tony Evers

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

DATE: April 28, 2021

TO: Board of Agriculture, Trade and Consumer Protection

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

SUBJECT: ATCP 160, (Fair Organizations)

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 fair organizations.

SUMMARY:

The objective of the proposed rule is to repeal or modify an obsolete or unnecessary rule. Section ATCP 160.92 (6) requires a copy of the fair organization's annual financial report as published in the newspaper to be submitted to the department. 2015 Wisconsin Act 207 repealed the requirement that a fair organization publish a financial report as a class I notice in the newspaper. Therefore, this subsection is obsolete.

On March 4, 2021, the DATCP Board approved the request to hold a preliminary public hearing and comment period on the Scope Statement. The Department held a public hearing on March 25, 2021 and accepted public comments until April 1, 2021. No one attended the public hearing and no public comments were submitted.

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

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STATEMENT OF SCOPE

Department of Agriculture, Trade and Consumer Protection

Rule No.: ATCP 160.92 (6)

Relating to: Fair Organizations

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 rule is to repeal or modify provisions of the rule identified in the Department of Agriculture, Trade and Consumer Protection's report to the Joint Committee for Review of Administrative Rules pursuant to s. 227.29, Stats., submitted on March 29, 2019.

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 of Agriculture, Trade and Consumer Protection identified the following as obsolete or unnecessary rule in the report filed with the Joint Committee for Review of Administrative Rules pursuant to s. 227.29, Stats.:

- ATCP 160.92 (6) requires a copy of the fair organization's annual financial report as published in the newspaper to be submitted to the department. 2015 Wisconsin Act 207 repealed the requirement that a fair organization file a publish a financial statement as a class I notice [s. 93.23 (1) (d), Stats. (2013)]. Therefore, this subsection is obsolete.

The alternative to the proposed rule is to have an obsolete process in rule for submission of a financial report as published when the requirement to publish in the newspaper is no longer statutorily required. Preserving the requirement for the financial report to be published in the newspaper is a requirement more restrictive than the statutory provision.

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

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 charge, and all other charges for exhibiting.

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:

75 hours

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

Fair organizations and members of the public who read the financial reports in the newspaper.

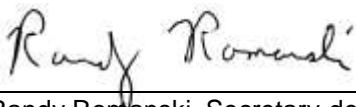
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

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

The department anticipates that the proposed rule will have no to minimal economic impact. It 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

January 12, 2021

Date Submitted