



State of Wisconsin  
Governor Scott Walker

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**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

**DATE:** April 13, 2015

**TO:** Bruce Hoesly, Legislative Reference Bureau  
1 East Main Street, Suite 200

**FROM:** Ben Brancel, Secretary

**SUBJECT: Ch. ATCP 104 - Leaf Tobacco Buying and Selling; Final Rule (Clearinghouse Rule #14-039)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

**CLEARINGHOUSE RULE #:** 14-039

**SUBJECT:** Leaf Tobacco Buying and Selling

**ADM. CODE REFERENCE:** ATCP 104

**DATCP DOCKET #:** 14-R-01

We are enclosing a copy of the final rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

**Business Impact Analysis (Summary)**

The existing rule regulates certain transactions between tobacco growers and tobacco manufacturing or brokerage firms. Tobacco growers are likely to be small businesses. However, the existing rule is limited to regulating cash-market transactions for tobacco leaves (which would occur after the crop is harvested). Wisconsin grown tobacco is no longer traded with this type of transaction. Instead, Wisconsin tobacco growers generally grow and sell on contracts that are negotiated before the growing season begins. Therefore, the existing rule is obsolete and has no effect on small business.

This proposed rule would simply delete an outdated and obsolete chapter from the administrative code. DATCP does not anticipate any effect on small business.

Bruce Hoesly  
Legislative Reference Bureau  
April 13, 2015  
Page 2

### **Comments from Legislative Committees (Summary)**

On January 7, 2015, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Agriculture and the Senate Committee on Agriculture, Small Business and Tourism. Neither committee took action. The Assembly referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on February 26, 2015 and the Senate referred it to JCRAR on March 9, 2015. JCRAR took no action on the rule.