

1
2

Clearinghouse Rule 19-054

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

**PROPOSED ORDER OF THE DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION REPEALING A RULE**

The Wisconsin department of agriculture, trade and consumer protection (the “department”) is petitioning the joint committee for review of administrative rules to repeal a rule the department has determined to be an unauthorized rule using the processes under s. 227.26 (4), Stats.

PROPOSED ORDER

- 3 An order of the department of agriculture, trade and consumer protection *to repeal* ATCP 161.50
4 (3) (e), *relating to* agricultural development and market promotion.
-

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

Statutes Interpreted

Statutes interpreted: Section 93.07 (18) (b) 6., 7., Stats., and ss. 20.115 (4) (s) and 93.60, Stats. (2011).

Statutory Authority

Statutory authority: Section 227.26(4), Stats.

Explanation of Agency Authority

Pursuant to s. 227.26 (4), Stats., the department may petition for repeal of an unauthorized rule. An unauthorized rule is one that “an agency lacks the authority to promulgate due to the repeal or amendment of the law that previously authorized its promulgation.” Section 93.07 (18) (b) 6., 7., Stats., requires the department promulgate rules on goals and accountability measures for economic development programs administered by the department. ATCP 161.50 (3) (e) defines an “economic development program” to include the grazing lands conservation program. 2013 Wisconsin Act 20 repealed ss. 201.115 4) (d) and 93.60, which appropriated funds and authorized the program.

Related Statutes and Rules

Not applicable.

Brief Summary of Proposed Rule

The proposed rule repeals ATCP 161.50 (3) (e), relating to agricultural development and market promotion. This section of the rule was promulgated in 2011. ATCP ch. 161, subch. V establishes accountability requirements for economic development programs administered by the department. The section that is the subject of this Petition, ATCP 161.50 (3), defines “economic development program” to include the grazing lands conservation program. 2013 Wisconsin Act 20 repealed ss. 201.115(4)(d) and 93.60, which appropriated fund and authorized the program. Therefore, the department has determined that ATCP 161.50 (3) (e), is unauthorized due to the passage of 2013 Wisconsin Act 20 and seeks its repeal pursuant to s. 227.26 (4), Stats.

Department Contact

Jane Landretti
Chief Legal Counsel
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911
(608) 224-5022
Jane.landretti@wisconsin.gov

TEXT OF RULE

- 1 **SECTION 1.** ATCP 161.50 (3) (e) is repealed.
- 2 **SECTION 2. EFFECTIVE DATE.** The rules repealed in this order shall take effect on the first
- 3 day of the month following publication in the Wisconsin Administrative Register, pursuant to s.
- 4 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated this _____ day of April, 2019

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: Bradley M. Pfaff, Secretary