



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

Report From Agency

DATE: November 23, 2021

TO: The Honorable Chris Kapenga
President, Wisconsin State Senate
Room 220 South, State Capitol
PO Box 7882
Madison, WI 53707-7882

The Honorable Robin Vos
Speaker, Wisconsin State Assembly
Room 217 West, State Capitol
PO Box 8953
Madison, WI 53708-8953

FROM: Randy Romanski, Secretary
Department of Agriculture, Trade and Consumer Protection

SUBJECT: Clearinghouse Rule 21-059 Final Draft Rule repealing ATCP 149.10 relating to the potato industry

Proposed Rule

The proposed rule is attached.

Reference to Applicable Forms

There are no applicable forms.

Fiscal Estimate and EIA

The fiscal estimate and EIA are attached.

Detailed Statement Explaining the Basis and purpose of the Proposed Rule, Including How the Proposed Rule Advances Relevant Statutory Goals or Purposes

The Department identified ATCP 49.10 as an obsolete or unnecessary rule in the report filed with the Joint Committee for Review of Administrative Rules pursuant to s. 227.29, Stats.

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An equal opportunity employer

ATCP 149.10 specifies the process for suspending operations under the potato industry act [s. 100.39, Stats. (1989)]. Section 100.39 (10), Stats. (1989) allowed for operations to be suspended when in the public interest due to a national emergency or other reason deemed meritorious by the secretary. 1991 Wisconsin Act 39 repealed the potato industry act, therefore, this section is obsolete. This rule repeals the obsolete section.

The proposed rule advances the statutory goal to have rules be aligned with statutes.

Summary of Public Comments and the Department's Responses, Explanation of Modifications to Proposed Rules Prompted by Public Comments

The Department held a public hearing on August 26, 2021. No one testified at the hearing or submitted written comments.

Response to Legislative Council Staff Recommendations

Legislative Council Staff did not make any recommendations.

Report from the SBRRB and Final Regulatory Flexibility Analysis

This rule does not have an impact on small businesses. The Final Regulatory Flexibility Analysis is attached.