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Clearinghouse Rule 24-072

**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 (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 160.05
4 (4), 106.39 (4), and 160.49 (5) *relating to* county and district fairs.

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

Statutes Interpreted: s. 93.23, Stats.

Statutory Authority: ss. 93.07 (1) and 93.23 (1) (a) 2., Stats.

Explanation of Agency Authority

The department has general authority under s. 93.07 (1), Stats., to adopt rules which are necessary and proper to enforce ch. 96, Stats.

The department has explicit authority under s. 93.23, Stats., to adopt rules as to premiums offered, amounts to be paid, entry fees to be charged, and all other charges for exhibiting. In addition, in order to have a more equitable distribution of state aid among fairs and to effect wider participation and interest by the public, the department may prescribe uniform premium lists setting forth classes of exhibits approved for state aid, premium awards in such classes and entry qualifications, fees and charges for exhibitors.

Related Statutes and Rules

Section 93.23, Stats.

Brief Summary of Proposed Rule

Wisconsin Admin. Code ss. ATCP 160.05(4), 160.39(4), and 160.49(5) prohibit the payment of state aid to award a premium to an exhibitor who exhibits an animal or an item that has been exhibited previously in a state funded fair in that calendar year and resulted in a premium being awarded for that item or animal. In 2023 Wisconsin Act 244, s. 93.23, Stats., was changed to prevent the department from restricting the number of fairs at which an exhibitor may participate and be eligible to receive state-aided premium awards. Therefore, the department has determined that Wis. Admin. Code ss. ATCP 160.05 (4), 160.39 (4), and 160.49 (5) are unauthorized due to the passage of 2023 Wisconsin Act 244 and seeks the repeal of these sections pursuant to s. 227.26 (4), Stats.

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TEXT OF RULE

- 1 SECTION 1. ATCP 160.05 (4) is repealed.
- 2 SECTION 2. ATCP 160.39 (4) is repealed.
- 3 SECTION 3. ATCP 160.49 (5) is repealed.
- 4 SECTION 4. EFFECTIVE DATE. The rule repealed in this order shall take effect on the first day of the
- 5 month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.),
- 6 Stats.

(END OF TEXT OF RULE)

Dated this _____ day of September 2024.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: Randy Romanski, Secretary