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Clearinghouse Rule 21-060

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
PROPOSED ORDER OF THE DEPARTMENT OF AGRICULTURE, TRADE AND  
CONSUMER PROTECTION ADOPTING RULES

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PROPOSED ORDER

- 2 An order of the department of agriculture, trade and consumer protection *to amend* ATCP 160.92  
3 (6) *relating to* fair organization's annual financial report.
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**Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection**

*Statutes Interpreted:* s. 93.23 (1) (d), Stats. (2013)

*Statutory Authority:* s. 93.23 (1) (a) 1. b. and 2., Stats.

***Explanation of Agency Authority***

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.]

***Related Statutes and Rules***

Section 93.23, Stats and ch. ATCP 160

***Plain Language Analysis***

The Department identified s. ATCP 160.92 (6) 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.

Section ATCP 160.92 (6) contains a provision requiring 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annual financial report as published in the newspaper to be submitted to the Department. 2015 Wisconsin Act 207 repealed the requirement for a fair organization to publish a financial statement as a class I notice [s. 93.23 (1) (d), Stats. (2013)]. This rule removes the obsolete provision within s. ATCP 160.92 (6).

*Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations*

None

*Summary of Public Comments Received on Statement of Scope and a Description of How and To What Extent Those Comments and Feedback Were Taken Into Account in Drafting the Proposed Rule*

The Department held a preliminary public hearing on the Statement of Scope on March 25, 2021 and accepted public comments until April 1, 2021. No one testified or submitted written comments.

*Comparison with Rules in Adjacent States*

**Illinois** In Illinois, county and district fairs are not required to publish a financial statement. [Ill. Admin. Code tit. 8 s. 260.100 and 260.537]

**Iowa** In Iowa, a fair is required to annually publish in one newspaper of the county a financial statement of receipts and disbursements for the current year. [Title V IAC 174.8]

**Michigan** In Michigan, fairs are not required to publish a financial statement. [Mich. Admin. Code, R 285.805.4]

**Minnesota** In Minnesota, fairs are not required to publish a financial statement. [Minn. Stat. 38.04]

*Summary of Factual Data and Analytical Methodologies*

The Department reviewed ch. ATCP 160 and identified s. ATCP 160.92 (6) 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. This rule repeals the provision in the s. ATCP 160.92 which is obsolete.

*Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Analysis*

The rule was posted on the Department's website for economic comments for 14 days and none were received. This proposed rule removes an obsolete provision.

*Fiscal Estimate and Economic Impact Analysis*

The Fiscal Estimate and Economic Impact Analysis is attached.

*Effect on Small Business*

This proposed rule does not have an economic impact on small business, as defined in s. 227.114 (1), Stats.

The Department's Regulatory Review Coordinator may be contacted by:  
Email at [Bradford.Steine1@wisconsin.gov](mailto:Bradford.Steine1@wisconsin.gov)  
Telephone at (608) 224-5024

The Regulatory Flexibility Analysis is attached.

*Department Contact Person*

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*Place Where Comments are to Be Submitted and Deadline for Submission:*

Comments must be received on or before September 2, 2021 to be included in the record of rule-making proceedings. Submit comments:

**By mail to:**

Sharon Henes, Program and Policy Analyst - Advanced  
Division of Agricultural Development  
Department of Agriculture, Trade and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911

**By email to:** [Sharonm.Henes@wisconsin.gov](mailto:Sharonm.Henes@wisconsin.gov)

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TEXT OF RULE

1 SECTION 1. ATCP 160.92 (6) is amended to read:

2 **ATCP 160.92 (6)** A copy of a financial report as ~~published in a newspaper of general circulation~~  
3 ~~in the county in which the fair was held~~ shall be submitted to the department prior to December  
4 31st of the year in which the fair was held. The financial statement shall include all receipts,  
5 disbursements, accounts receivable and accounts payable in connection with the operation of the  
6 fair, and shall show the financial condition of the fair organization before and after the fair.

7 SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the  
8 first day of the month following publication in the Wisconsin Administrative Register, pursuant to  
9 s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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Dated this 9<sup>th</sup> day of July, 2021.

WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

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By: Randy Romanski, Secretary-designee