FISCAL ESTIMATE
DOA-2048 (R 10/94)

☒ ORIGINAL ☐ UPDATED
☐ CORRECTED ☐ SUPPLEMENTAL

LRB or Bill No. / Adm. Rule No.
Ch. ATCP 1, Wis. Adm. Code

Amendment No. (If Applicable)

Subject:
Administrative Orders and Contested Cases

Fiscal Effect

State: X No State Fiscal Effect
Indeterminate

☐ Increase Existing Appropriation ☐ Increase Existing Revenues
☐ Decrease Existing Appropriation ☐ Decrease Existing Revenues
☐ Create New Appropriation

☐ Increase Costs –

May be possible to absorb within agency's budget? ☐ Yes ☐ No

☐ Decrease Costs

Local :
☒ No local government costs

1. ☐ Increase Costs
☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs
☐ Permissive ☐ Mandatory
3. ☐ Increase Revenues
☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenues
☐ Permissive ☐ Mandatory

5. Types of Local Gov. Unit Affected:
☐ Towns ☐ Villages
☐ Counties ☐ Cities
☐ Other
☐ School Districts
☐ WTCS Districts

Fund Source Affected:
☒ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

Affected Ch. 20 Appropriations:
20.115(1)(a)

Assumptions Used in Arriving at Fiscal Estimate

Summary of Rule

The Department of Agriculture, Trade and Consumer Protection (DATCP) administers a wide range of laws related to food safety, disease control, consumer protection, agricultural resource management and other matters (see chs. 88, 91 to 100, and chs. 126 and 136, Stats.) Under these laws, DATCP may issue various kinds of administrative orders and take other administrative actions that have the force of law. Persons adversely affected by these orders and actions may request a trial-type "contested case" hearing under ch. 227, Stats., and ATCP 1. This rule updates and clarifies current "contested case" procedures under ATCP 1.

An impartial administrative law judge (ALJ) presides over a "contested case" hearing. The DATCP Secretary or designee typically makes the final decision in a "contested case," after reviewing the ALJ's proposed decision. The final decision is subject to judicial review, as provided in ch. 227, Stats. DATCP is currently in the process of transferring its ALJ functions to the Department of Administration, Division of Hearings and Appeals. ALJs from the Division of Hearings and Appeals will conduct DATCP "contested case" hearings, according to procedures spelled out in ch. 227, Stats., and ATCP 1. DATCP will pay the Division of Hearings and Appeals for the ALJ services. This rule will help DATCP coordinate "contested case" processing with the Division of Hearings and Appeals.

This rule will clarify and update current procedures in "contested cases," but will not make major substantive changes. This rule will not increase or decrease the number of cases, nor will it have a significant impact on case processing costs.

Impact of the Proposed Rule on State Government

This rule will have no significant fiscal impact on state government.

Impact of the Proposed Rule on Local Government

This rule will have no significant fiscal impact on local governments.

Agency/prepared by: (Name & Phone No.)	Authorized Signature/Telephone No.	Date
DATCP		June 9, 2009

James K. Matson – 224-5022		