

Wisconsin Department of Agriculture, Trade and Consumer Protection

Regulatory Flexibility Analysis

Rule Subject: Administrative Orders and Contested Cases
Admin. Code Reference: ATCP 1.06 (3) (a)
Rules Clearinghouse #:
DATCP Docket #: 21-R-14

Rule Summary

The Department of Agriculture, Trade and Consumer Protection (department) identified s. ATCP 1.06 (3) (a) as duplicative, superseded or conflicting in our report filed with the Joint Committee for Review of Administrative Rules pursuant to s. 227.29, Stats.

Section ATCP 1.06 (3) (a) conflicts with s. 227.42 (2), Stats., as it requires the department Secretary to grant or deny a contested case hearing request within 30 days after a complete request is filed. Section 227.42 (2), Stats., deems a request denied if an agency does not enter an order disposing of the request for hearing within 20 days from the date of filing, therefore this rule section is in conflict with statute. This proposed rule amends the conflicting section of s. ATCP 1.06 (3) (a) with s. 227.42 (2), Stats.

Small Business Affected

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

Proposed Reporting, Bookkeeping, and Other Procedures Required for Compliance

The proposed rule does not create any new reporting, bookkeeping, or other procedural requirements for compliance with the rule.

Professional Skills Necessary for Compliance

The proposed rule does not create any new professional skill requirements for compliance with the rule.

Accommodation for Small Business

No accommodations for small business will be necessary for the proposed rule.

Conclusion

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

Dated this _____ day of September, 2022

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

Fratney Miller, General Counsel
Office of the Secretary