



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: December 14, 2022

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 22-062 Final Draft Rule amending ATCP 1 relating to administrative orders and contested cases

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Department of Agriculture, Trade and Consumer Protection (department) identified s. ATCP 1.06 (3) (a) as duplicative, superseded or conflicting in our report filed with the Joint Committee for Review of Administrative Rules pursuant to s. 227.29, Stats.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

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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.

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 the hearing rule draft on Wednesday, October 19, 2022. No members of the public attended the hearing, and no written comments were submitted that pertained to this rule.

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 Regulatory Flexibility Analysis is attached.