

## Chapter WCD 2

## PROCEDURE AND PRACTICE

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## (Section 227.08, Wis. Stats.)

**WCD 2.01 Application of rules.** These rules shall apply in all proceedings and hearings had before the state conservation commission of Wisconsin in matters within its jurisdiction and shall apply except in cases where inconsistent with the procedure provided by statute in particular instances. "Director" as used herein, refers to the conservation director of the state conservation commission. "Commission" as used herein, refers to the state conservation commission of Wisconsin.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**WCD 2.02 Place of hearings.** Unless otherwise specifically provided by law or ordered by the commission or the director, all hearings shall be held at the offices of the Wisconsin Conservation Department, Hill Farms State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**WCD 2.03 Conduct of hearings.** All hearings shall be conducted and presided over by one or more commissioners or such subordinate examiner as may be designated by the commission or the conservation director to hear the matter.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**WCD 2.04 Hearings public.** All hearings shall be open to the public except where otherwise specifically provided by statute or ordered by the commission or the subordinate having charge of the matter involved in said hearing.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**WCD 2.05 Subpoenas.** Any commissioner, the director, or the examiner in charge of the matter may issue subpoenas for the attendance of a party or any witness at a hearing. Subpoenas may be in the form provided by section 325.02, Wis. Stats.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**WCD 2.06 Record.** All the proceedings at a hearing in a contested case where the commission, the director, or the examiner in charge shall so determine or any party so request, shall be taken down by a stenographic reporter and the transcript thereof together with all exhibits shall be a part of the official record of such proceedings. In all other cases a mechanical or electronic record shall be made, or minutes kept, of the proceedings. Any party desiring a copy of such transcript, record, or minutes shall so indicate in advance and shall

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pay the proper cost thereof, except that in cases where the statutes so provide such transcript, record or minutes shall be provided to any party without charge.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**WCD 2.07 Form and style of papers.** All papers filed in connection with any hearing shall be either printed or typewritten and, as far as practicable, shall be on paper 8½ inches wide and 11 inches long. An original and 8 copies thereof shall be filed with the director and copies thereof shall also be served or furnished, as the case may be, to any other party or person interested who enters an appearance in said proceeding. Pleadings shall bear the name and mailing address of the party or his representative presenting the same. All pleadings, notices and other papers shall be captioned "BEFORE THE STATE CONSERVATION COMMISSION OF WISCONSIN."

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**WCD 2.08 Service and filing of papers.** Unless otherwise provided by law, all orders, notices and other papers may be served by the director by first class or registered mail addressed to any party at his last known post office address or to his attorney of record. Papers required to be filed with the commission may be mailed to the following address: Wisconsin Conservation Department, Box 450, Madison 1, Wisconsin.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**WCD 2.09 Notice of hearing in contested cases.** In all proceedings instituted by the commission on complaint or in any contested matter the notice of hearing shall contain a statement of the issues involved and may be in substantially the following form:

#### STATE CONSERVATION COMMISSION OF WISCONSIN

##### NOTICE OF HEARING

Notice is hereby given by the State Conservation Commission of Wisconsin, pursuant to section \_\_\_\_\_, Wis. Stats., that it will hold a hearing on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_

o'clock \_\_\_\_\_M., at the offices of the Wisconsin Conservation Department at Hill Farms State Office Bldg., 4802 Sheboygan Avenue, Madison, Wisconsin (or such other place as may be designated), in the matter of (here insert briefly the subject matter of the hearing).

All interested persons or their representatives will be afforded an opportunity at such public hearing to present facts, views or arguments relative thereto.

Dated at Madison, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_.

STATE CONSERVATION COMMISSION OF WISCONSIN

By \_\_\_\_\_

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

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**WCD 2.10** Petition for rules. Upon the receipt of a petition for a rule filed pursuant to section 227.015, Wis. Stats., or any other statute authorizing the commission to make rules, the commission may make such investigation as it desires into the matter, hold any conferences or hearings deemed necessary and may give notice of such hearings to all parties which it deems may be interested in said matter.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**WCD 2.11** Prehearing conference. (1) In any matter pending before it the commission may direct any party or attorney for any party to appear before the commission, the director, or examiner who has the matter in charge to consider:

- (a) Simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact or as to documents which will avoid unnecessary proof;
- (d) Such other matters as may aid in the disposition of the matter.

(2) The commission, director, or examiner having the matter in charge may make an order reciting the action taken at the prehearing conference, the amendments made to pleadings and the agreements made as to any of the matters considered, and limiting the issues to those not disposed of by admissions or agreements. Such orders shall control the subsequent course of the proceedings unless modified at the hearing to prevent manifest injustice.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.