

NR 2



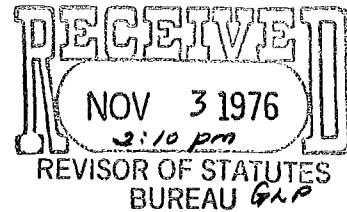
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. L-73-76 was duly approved and adopted by this Department on August 19, 1976. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 29th day of October, 1976.

Anthony S. Earl

Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of amending section NR 2.17 .
and creating section NR 2.155 of the .
Wisconsin Administrative Code pertaining . L-73-76
to decisions in contested case proceedings .
.....

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 227.014(2)(b), 227.023, 227.07(8) and 227.09, Wisconsin Statutes, (Chapter 414, Laws of 1975), the State of Wisconsin Natural Resources Board hereby amends and creates rules as follows:

SECTION 1 - Section NR 2.155 is created to read:

NR 2.155 Decisions in Contested Cases. (1) Examiner Decision. The hearing examiner shall prepare findings of fact, conclusions of law and decision subsequent to each contested case heard. Said decision shall be the final decision of the department, but may be reviewed in the manner described in NR 2.20.

(2) Secretary Decision. (a) Notwithstanding (1) the secretary prior to hearing, may direct that the record be certified to the secretary for decision in accordance with the provisions of section 227.09(3)(b), Wis. Stats., without an intervening decision by the hearing examiner.

(b) Notwithstanding (1) the secretary prior to hearing may direct that the decision be made in accordance with the provisions of section 227.09(2) or (4), Wis. Stats.

SECTION 2 - Section NR 2.17 is amended to read:

NR 2.17 Transcripts. (1) Method and Copies. Hearings in contested cases will be transcribed either stenographically or mechanically. A typed transcript will be made when deemed necessary by the department. If a transcript is made

by the department, copies will be furnished to all persons upon request at a reasonable cost. If no transcript is deemed necessary by the department and a party requests that one be prepared, that party shall be responsible for all costs of transcript preparation. In lieu of a transcript the department will provide any person a copy of the tape recording of a public hearing upon request and at a reasonable cost. All requests pursuant to the above provision shall be made in writing and presented to the hearing examiner at the hearing.

(2) Financial Need. Any person who by affidavit or other appropriate means can establish to the department's satisfaction that the person is impecunious may be provided a copy of a transcript without charge.

(3) Corrections. Any party, within 7 days of the date of mailing of the transcript, may file with the hearing examiner a notice in writing of any claimed error therein, and shall mail a copy of such notice to each party of record. Other parties may contest any claimed error within 12 days of the date of the mailing of the transcript by so notifying the hearing examiner and other parties of record. All parties will be advised by the hearing examiner of any authorized corrections to the record.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 19, 1976.

The rules contained herein shall take effect upon publication in the Wisconsin Administrative Code.

Dated at Madison, Wisconsin 29 October 1976

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)