

Chapter REB 4

DECLARATORY RULES

REB 4.01 Declaratory rules

History: Chapter REB 4 as it existed on April 30, 1972 was repealed and a new chapter REB 4 was created, Register, April, 1972, No. 196, effective May 1, 1972.

REB 4.01 Declaratory rules. (1) **PETITION.** Any person interested may petition the board pursuant to section 227.06, Wis. Stats., for a declaratory ruling with respect to the applicability to any person, property or state of facts in which such person has an interest, of any rule or statute enforced by the board. Every such petition shall be addressed to the board and served upon the board or its executive secretary, in duplicate, either by personal service or by registered mail. Petitioner shall furnish additional copies as may be required by the board for serving on such other persons as the board may designate as proper parties to the proceedings so instituted. Such petition shall contain, in substance, the following:

- (a) The full name of petitioner and his post office address.
- (b) The number of the rule or statute on which a declaratory ruling is sought.
- (c) A plain and precise statement of ultimate facts showing the applicability of any such rule or statute to the petitioner, his interest and the situation as to which a declaratory ruling is desired.
- (d) The nature of the interest of the petitioner in the proceeding and the reason or reasons upon which is predicated the request for declaratory ruling.
- (e) The petition shall conclude with a prayer for the declaratory ruling to which petitioner supposes himself entitled.

(2) **ACTION.** Upon receipt of such petition, the board may make such investigation of the facts set forth in the petition as it deems desirable and may hold such hearings upon notice to such petitioners or any other interested party as it may deem necessary or desirable. The board, however, shall not be required to issue any such declaratory ruling and such action shall be discretionary except upon reference of a case in accordance with the provision of section 227.05, Wis. Stats. In no case will such petition be set for hearing, unless the petitioner states facts showing that petitioner is affected by the rule or statute with respect to which a declaratory ruling is requested, or a showing that the application of such rule or statute to him will affect him adversely. If the board determines that there is no issue of fact, the board shall state in the notice of hearing that issues of law only will be considered.

History: Cr. Register, April, 1972, No. 196, eff. 5-1-72.