

CR 88-47

RECEIVED

JUL 26 1988
9:28 am
Revisor of Statutes
Bureau

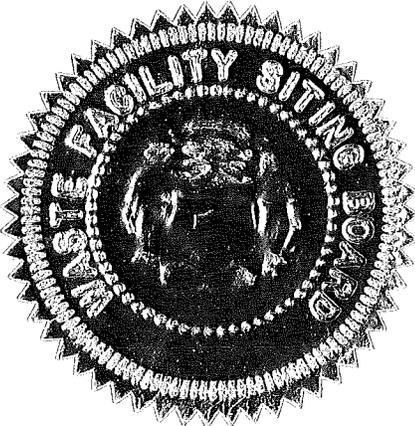
CERTIFICATE

STATE OF WISCONSIN)
Waste Facility Siting Board) ss.

I, Patti W. Cronin, executive director of the Waste Facility Siting Board and custodian of the official records, do hereby certify that the permanent rule relating to sharing the cost of default hearings between the applicant and the local committee was duly adopted by this board on July 25, 1988.

I further certify that this copy has been compared by me with the original on file on this board 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 Waste Facility Siting Board at 132 East Wilson Street, in the City of Madison, on July 25, 1988.



Patti W. Cronin

PATTI W. CRONIN
Executive Director

9-1-88

JUL 26 1988

Revisor of Statutes
Bureau

ORDER

OF

WASTE FACILITY SITING BOARD

To adopt WFSB 9.08, Wis. Adm. Code concerning the allocation of the costs of default hearings.

Analysis

Statutory authority: s. 144.445(4), Stats.
Statutes interpreted: s. 144.445(9)(em), Stats.

This rule interprets s. 144.445(9)(em), Stats., a new statute that requires the costs of default hearings to be shared by the parties. The rule requires that the petitioner pay the bulk of the costs unless the respondent is found in default, in which case the respondent pays the bulk of the costs.

WFSB 9.08 is created to read:

WFSB 9.08 Cost of Hearing. (1) If the board finds default, the party in default shall pay 90% of the cost of the hearing. The petitioner shall pay 10% of the cost.

(2) If the board does not find default, the petitioner shall pay 90% of the cost of the hearing. The respondent shall pay 10% of the cost.

Initial Regulatory Flexibility Analysis

This rule does not affect small businesses.

Fiscal Estimate

The proposed rule has no fiscal effect independent of the fiscal effect of the statute upon which the rule is based. The fiscal estimate, therefore, is based on the fiscal effect of the statute, s. 144.445(9)(em), Stats.

Under s. 144.445(9)(em), Stats., the cost of a default hearing will be shared between the applicant and the local committee. The cost of a default hearing is approximately \$1,050.00 a day for the services of a hearing examiner and a reporter. A typical hearing lasts one day.

The result is a mandatory decrease of approximately \$1,050.00 per hearing day to the state and a permissive increase of approximately \$1,050.00 per hearing day to the local governments.

Effective Date

The adoption of this rule takes effect on the first day of the month following its publication in the Wisconsin administrative register under s. 227.22(2) (intro.), Stats.

Dated: June 25, 1988

A handwritten signature in cursive script that reads "Patti Cronin". The signature is written in dark ink and is positioned above a horizontal line.

Patti Cronin
Executive Director
Waste Facility Siting Board

State of Wisconsin

RECEIVED



JUL 26 1988

Revisor of Statutes
Bureau

Waste Facility Siting Board
132 E. Wilson Street, Madison, WI 53702
(608) 267-7854

Lynn Nimz
Chairman

Patti Cronin
Executive Secretary

July 25, 1988

Mr. Gary L. Paulson
Assistant Revisor
Revisor of Statutes Bureau
30 West Mifflin Street
Madison, WI 53702

Dear Mr. Paulson:

This letter informs you that neither the Senate nor the Assembly took any action within 30 days after receiving WFSB 9.08, Wis. Adm. Code, the proposed permanent rule about sharing the cost of default hearings between the applicant and the local committee.

As a result, I am issuing the order to adopt this rule.

The original and a copy of this order are enclosed. Please publish them at your earliest convenience.

If you have any questions, please call me.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Patti Cronin".

Patti Cronin

PC/jf
Enc.