

Chapter RL 13

DECLARATORY RULES

RL 13.01 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History: Chapter REB 4 as it existed on April 30, 1972 was repealed and a new chapter REB 4 was created, Register, April, 1972, No. 196, effective May 1, 1972; renumbered to be chapter RL 13, effective March 1, 1983.

RL 13.01 Declaratory rules. (1) PETITION. Any person interested may file a petition for a declaratory ruling pursuant to s. 227.41, Stats. The petition shall contain the following:

(a) The full name of petitioner and his or her 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 or her 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 or herself entitled.

(2) ACTION. Upon receipt of a petition, the board or department may make an investigation of the facts set forth in the petition as it deems desirable and may hold hearings upon notice to the petitioners or any other interested party as it may deem necessary or desirable. The board or department, however, shall not be required to issue any declaratory ruling and action shall be discretionary except upon reference of a case in accordance with the provision of s. 227.40, Stats. In no case may a petition be set for hearing, unless the petitioner states facts showing that the petitioner is affected by the rule or statute with respect to which a declaratory ruling is requested, or a showing that the application of the rule or statute will affect him or her adversely. If the board or department determines that there is no issue of fact, the board or department shall state in the notice of hearing that issues of law only shall be considered.

History: Cr. Register, April, 1972, No. 196, eff. 5-1-72; renumbered from REB 4.01 and am. (1) (intro.) (a), (c) and (e) and (2), Register, February, 1983, No. 326, eff. 3-1-83; corrections in (1) (intro.) and (2) made under s. 13.93 (2m) (b) 7, Stats., Register, May, 1988, No. 389.