

No. 347, S.]

[Published July 2, 1943.]

**CHAPTER 375.**

AN ACT to recreate Title XVIII and chapter 227 of the statutes, relating to administrative procedure and judicial review, and to make uniform the law with relation thereto; and to create, amend and repeal related provisions of the statutes in connection therewith.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Title XVIII of the statutes is created, entitled

**TITLE XVIII**

**ADMINISTRATIVE PROCEDURE AND REVIEW**

**CHAPTER 227**

**ADMINISTRATIVE PROCEDURE AND REVIEW**

227.01 DEFINITIONS. For the purposes of this chapter:

(1) "Agency" includes the public service commission, the industrial commission (except in matters arising out of the workmen's compensation act or the unemployment compensation act), the insurance commissioner, the department of securities, the board of tax appeals (except in assessments made under chapter 76), the state board of health, the motor vehicle department, the banking commission, the banking review board, the personnel board, and all other boards, commissions, departments and officers having statewide jurisdiction and authorized by statute to exercise rule-making powers or to adjudicate contested cases; but said term does not include the governor, or any military or judicial officer of the state.

(2) "Rule" means a rule, regulation, standard, or statement of policy of general application, including the amendment or repeal thereof, issued by an agency to implement, interpret, or make specific the legislation enforced or administered by it, or governing its organization and procedure, but it does not include regulations concerning internal management of the agency not affecting private rights or interests.

(3) "Contested case" means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined by decisions or orders addressed to them or disposing of their interests, after opportunity for hearing.

227.02 EXISTING RULE-MAKING AUTHORITY AND PROCEDURE. This chapter does not change the rule-making authority now

granted by statute to any agency, nor affect specific statutory provisions governing rule-making procedure.

227.03 REGISTRY AND COMPILATION OF RULES. Each agency shall file forthwith in the office of the secretary of state a certified copy of every rule adopted by it, including all rules now in effect. The secretary of state shall keep a permanent register of all such rules. Except as otherwise provided by statute, all rules hereafter adopted shall become effective upon such filing, unless a later date is specifically stated therein. Each agency shall periodically compile and make available to interested persons, upon request, all rules adopted by it and remaining in effect.

227.04 RIGHT OF PETITION FOR RULES. Any interested person may petition an agency requesting the promulgation or amendment or repeal of any rule. Each agency shall prescribe by rule the form, content, and procedure for submission, consideration, and disposition of such petitions.

227.05 DECLARATORY JUDGMENT ON RULES. (1) Except as otherwise specifically provided by statute, the validity of any rule may be judicially determined upon petition for a declaratory judgment addressed to the circuit court of Dane county. The court shall hear the petition and render a declaratory judgment thereon only when it appears from the petition and the evidence presented in support thereof that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights and privileges of the petitioner.

(2) A declaratory judgment may be rendered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question. In rendering judgment, the court shall give effect to any pertinent (a) constitutional limitations upon the powers of the agency; (b) statutory limits upon the authority of the agency; (c) if the rule in question is an interpretative rule, the limits of correct interpretation; and (d) statutory requirements concerning rule-making procedures.

(3) Whenever a decision upon the validity of a rule requires a decision upon an issue of fact concerning the applicability of the rule to the petitioner, the court shall, after deciding the pertinent legal questions, refer the case to the agency for determination of the fact issue under the declaratory ruling procedure provided in section 227.06. Review by the courts of the agency

determination may thereafter be had in the manner prescribed for such cases.

**227.06 DECLARATORY RULINGS.** Any agency may, on petition by any interested person, and shall upon reference of a case in accordance with the provisions of section 227.05, issue a declaratory ruling with respect to the applicability to any persons, property, or state of facts of any rule or statute enforced by it. Each agency shall prescribe by rule the form, content, and procedure for submission, consideration, and disposition of such petitions. Full opportunity for hearing shall be afforded to interested parties. A declaratory ruling shall bind the agency and all parties to the proceedings on the state of facts alleged, unless it is altered or set aside by a court. A ruling shall be subject to review in the circuit court in the manner provided for the review of administrative decisions in contested cases.

**227.07 ADMINISTRATIVE ADJUDICATION; NOTICE AND HEARING.** Prior to the final disposition of any contested case, all parties shall be afforded opportunity for full, fair, public hearing after reasonable notice, but this shall not preclude the informal disposition of controversies by stipulation, agreed settlement, consent orders, or default.

**227.08 RULES PERTAINING TO PROCEDURE.** Each agency shall adopt rules governing the form, content, and filing of pleadings, the form, content, and service of notices, the conduct of pre-hearing conferences, and other necessary rules of procedure and practice.

**227.09 NOTIFICATION OF ISSUES.** Every party to a contested case shall be given a clear and concise statement of the issues involved.

**227.10 EVIDENCE AND OFFICIAL NOTICE.** In contested cases:

(1) Agencies shall not be bound by common law or statutory rules of evidence. They shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony. They shall give effect to the rules of privilege recognized by law. Basic principles of relevancy, materiality, and probative force, as recognized in equitable proceedings, shall govern the proof of all questions of fact.

(2) All evidence, including records and documents in the possession of the agency of which it desires to avail itself, shall be duly offered and made a part of the record in the case. Every

party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

(3) Agencies may take official notice of any generally recognized fact or any established technical or scientific fact; but parties shall be notified either before or during hearing or by full reference in preliminary reports or otherwise, of the facts so noticed, and they shall be afforded an opportunity to contest the validity of the official notice.

227.11 RECORDS OF HEARINGS. Each agency shall keep an official record of all proceedings in contested cases. Exhibits and testimony shall be part of the official record.

227.12 EXAMINATION OF EVIDENCE BY AGENCY. Whenever in a contested case it is impracticable for the members of the agency who are to participate in the decision to hear or read all the evidence, the final decision shall not be made until a tentative draft, including findings of fact, has been prepared and furnished to each party, and an opportunity has been afforded to each party to file exceptions and to argue with respect to them orally and in writing before all the members who are to participate in the decision. The parties may by written stipulation waive compliance with this section.

227.13 DECISIONS. Every decision of an agency in a contested case shall be in writing accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise and separate statement of the ultimate conclusions upon each contested issue of fact without recital of evidence.

227.14 SERVICE OF DECISION. A copy of the decision shall be delivered or mailed forthwith to each party to the proceedings or to his attorney of record.

227.15 JUDICIAL REVIEW; ORDERS REVIEWABLE. Administrative decisions in contested cases, whether affirmative or negative in form, except the decisions of the department of taxation and the banking commission, shall be subject to judicial review; but if specific statutory provisions require a petition for rehearing as a condition precedent, review shall be afforded only after such petition is filed and determined.

227.16 PARTIES AND PROCEEDINGS FOR REVIEW. Except as otherwise specifically provided by law, any person aggrieved by a decision in a contested case and directly affected thereby shall be entitled to judicial review thereof under this chapter. Proceedings for review shall be instituted by serving a notice of

appeal personally or by registered mail upon the agency or one of its members or secretary or clerk, and filing such notice in the office of the clerk of the circuit court for Dane county (unless a different place of review is expressly provided by law), all within 30 days after the service of the decision of the agency, or within 30 days after service of the order entered upon an application for rehearing if a rehearing is requested. The notice of appeal shall state the nature of the appellant's interest and the grounds of appeal, and may be amended, by leave of court, though the time for appeal has expired. Copies of the notice shall be served, personally or by registered mail, not later than 30 days after the institution of the appeal, upon all parties who appeared before the agency in the proceeding; and for the purpose of such service the agency upon request shall certify to the appellant the names and addresses of all such parties as disclosed by its records, which certification shall be conclusive. The agency (except in the case of the board of tax appeals and the banking review board), and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court, in its discretion, may permit other interested persons to intervene.

227.17 **STAY OF PROCEEDINGS.** The taking of the appeal shall not stay enforcement of the agency decision; but the reviewing court may order a stay upon such terms as it deems proper, except as otherwise provided in sections 189.25 and 196.43.

227.18 **RECORD ON REVIEW.** Within 30 days after service of the notice of appeal upon the agency, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review, including all pleadings, notices, testimony, exhibits, findings, decisions, orders, and exceptions, therein; but by stipulation of all parties to the review proceedings the record may be shortened by eliminating any portion thereof. Any party, other than the agency, refusing to stipulate to limit the record may be taxed by the court for the additional costs. The record may be typewritten or printed. The exhibits may be typewritten, photostated, or otherwise reproduced, or, upon motion of any party, or by order of the court, the original exhibits shall accompany the record. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

227.19 **ADDITIONAL EVIDENCE.** If before the date set for trial, application is made to the circuit court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceedings before the agency, the court may order that the additional evidence be taken before the agency upon such terms as the court may deem proper. The agency may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court the additional evidence together with any modified or new findings or decision.

227.20 **SCOPE OF REVIEW.** (1) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, testimony thereon may be taken in the court. The court may affirm the decision of the agency, or may reverse or modify it if the substantial rights of the appellant have been prejudiced as a result of the administrative findings, inferences, conclusions or decisions being:

- (a) contrary to constitutional rights or privileges; or
- (b) in excess of the statutory authority or jurisdiction of the agency, or affected by other error of law; or
- (c) made or promulgated upon unlawful procedure; or
- (d) unsupported by substantial evidence in view of the entire record as submitted; or
- (e) arbitrary or capricious.

(2) Upon such review due weight shall be accorded the experience, technical competence, and specialized knowledge of the agency involved, as well as discretionary authority conferred upon it. The right of the appellant to challenge the constitutionality of any act or of its application to him shall not be foreclosed or impaired by the fact that he has applied for or holds a license, permit or privilege under such act.

227.21 **APPEALS.** Any party, including the agency, may secure a review of the final judgment of the circuit court by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from the circuit court in other civil cases, except that the time for appeal shall be limited to 30 days from the notice of entry of the judgment.

227.22 **PUBLIC UTILITY ASSESSMENTS.** This chapter shall not apply to assessments made under chapter 76 or to decisions of

the board of tax appeals upon the review of such assessments.

227.23 UNIFORMITY OF INTERPRETATION. Sections 227.01 to 227.21 inclusive shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states that enact it.

227.24 SHORT TITLE. Sections 227.01 to 227.21 may be cited as the Uniform Administrative Procedure Act.

SECTION 2. 261.13 and 285.06 of the statutes are renumbered respectively, 227.25 and 227.26.

SECTION 3. 5.225 (2) of the statutes is amended to read:

5.225 (2) The secretary of state shall, with the advice and consent of the attorney-general, determine which parties are qualified to participate in any election. Such determination shall be subject to review \* \* \* *as provided in chapter 227.*

SECTION 4. 29.174 (8) of the statutes is repealed and recreated to read:

29.174 (8) Any order of the commission shall be subject to review in the manner provided in chapter 227, except that if the order affects only the county in which the appellant resides, the appeal shall be to the circuit court of such county.

SECTION 5. 31.14 (14) of the statutes is amended to read:

31.14 (14) The provisions for judicial review of any order or determination made by the public service commission shall be as prescribed in \* \* \* *chapter 227.* \* \* \*

SECTION 6. 31.28 of the statutes is repealed and recreated to read:

31.28 Orders of the commission shall be subject to review in the manner provided in chapter 227.

SECTION 7. 34.04 (3) of the statutes is repealed and recreated to read:

34.04 (3) Any order of the board shall be subject to review in the manner provided in chapter 227.

SECTION 8. 46.10 (5) of the statutes is repealed and recreated to read:

46.10 (5) Such order shall be subject to review in the manner provided in chapter 227. Upon rendition of final judgment the agency shall make the proper charge or credit and certify the same to the secretary of state.

SECTION 9. 48.39 (4) of the statutes is amended to read:

48.39 (4) No order of revocation or refusal of renewal shall become effective until the final determination of any proceeding for the judicial review thereof. \* \* \* *Such review may be had as provided in chapter 227.* No undertaking of any kind shall be required for costs \* \* \* on such \* \* \* appeal.

SECTION 10. 49.03 (8a) (c) of the statutes is amended to read:

49.03 (8a) (c) \* \* \* Such \* \* \* order shall be subject to review in the manner provided in chapter 227, except that the appeal shall be taken to any one of the following circuit courts in the following counties: (1) Douglas, (2) Eau Claire, (3) Marathon, (4) Brown, (5) La Crosse, (6) Dane, (7) Milwaukee, and may be heard at a regular or special term in any one of such circuit courts.

SECTION 11. 49.03 (8a) (d), (e) and (f) of the statutes are repealed.

SECTION 12. 66.06 (22) (1) of the statutes is amended to read:

66.06 (22) (1) An appeal shall lie from the determination of the public service commission by any person aggrieved in the manner prescribed in \* \* \* chapter 227.

SECTION 13. 73.015 (2) of the statutes is repealed and recreated to read:

73.015 (2) Determinations of the board shall be subject to review in the manner provided in chapter 227, except that appeals involving taxes of persons other than corporations shall be taken to the circuit court of the county where the taxpayer resides, and appeals involving taxes of nonresident individuals or fiduciaries shall be taken to the circuit court of the county which includes the situs of the property or income assessed, or if there be more than one such county, to the circuit court of any one of such counties. If the circuit court construes a statute adversely to the contention of the department of taxation, the department shall be deemed to acquiesce in the construction so adopted unless an appeal to the supreme court is taken, and the construction so acquiesced in shall thereafter be followed by the department.

SECTION 14. 73.015 (3), (4), (5) and (6) of the statutes are repealed.

SECTION 15. 79.06 of the statutes is repealed and recreated to read:

79.06 An order dismissing the petition shall be subject to review in the manner provided in chapter 227. An order directing the hearing to proceed shall not be subject to review except upon appeal from the final order made pursuant to section 79.07.

SECTION 16. 79.07 (5) of the statutes is repealed and recreated to read:

79.07 (5) Any such order may be reviewed in the manner provided in chapter 227, except that if any finding as to the amount of benefit to any property shall be challenged upon such appeal, the appellant shall be entitled to a trial by jury upon demand.

SECTION 17. 79.08 of the statutes is amended to read:

79.08 Upon petition of the flood control board organized pursuant to section 79.12 for the purpose of carrying out the final order of the commission, the commission may at any time, after public hearing, modify its final orders in so far as the same relate to the plans and specifications therein adopted by it for the construction of the improvement, but no such modification shall materially change the basic plan of the improvement. The hearing upon application for such modification shall be held upon notice to the clerk of each town, village and city containing property found by the commission to be benefited by the improvement. Such order for modification may be reviewed \* \* \* in the same manner as the final order.

SECTION 18. 85.06 (4) of the statutes is amended to read:

85.06 (4) The motor vehicle department shall investigate, ascertain, determine and fix such reasonable standards of lighting equipment and reflective signals for motor vehicles, trailers and semitrailers, and for the adjustment and use of such equipment, not inconsistent with this section, as to make the use of the highways by such vehicles safe for all the public. The said department may issue general or special orders prohibiting the use of any highway by any motor vehicle not conforming to such standards. Such investigations, standards and orders shall be made \* \* \* as provided in sections 101.01 to 101.28. \* \* \* Every order of the \* \* \* department shall have the same force and effect as orders issued pursuant to \* \* \* sections 101.01 to 101.28 *and any appeal therefrom shall be taken as provided in chapter 227.*

SECTION 19. 85.07 (2) of the statutes is amended to read:

85.07 (2) Such certified light adjusting stations shall be equipped and conducted in accordance with the standards, rules

and orders ascertained, determined and fixed by the motor vehicle department. The provisions of sections 101.01 to 101.28 shall apply with like effect to the adoption, \* \* \* and the force and effect of standards, rules and orders issued under this subsection. *Review thereof may be had as provided in chapter 227.*

SECTION 20. 85.08 (34a) of the statutes is repealed and recreated to read:

85.08 (34a) The denial of a license, or the suspension, revocation or cancellation thereof, unless mandatory under this section, shall be subject to review in the manner provided in chapter 227, except that if the appellant resides in Wisconsin the place of review shall be the circuit court of the county in which he resides.

SECTION 21. 89.27 (14) of the statutes is amended to read:

89.27 (14) Any interested person being dissatisfied with any findings of the public service commission shall have the right to \* \* \* review \* \* \* the same as prescribed \* \* \* in chapter 227.

SECTION 22. 93.20 of the statutes is repealed and recreated to read:

93.20 Orders, standards and regulations made under this chapter shall be subject to review in the manner provided in chapter 227.

SECTION 23. 95.495 (3) (next to last sentence) of the statutes is amended to read:

95.495 (3) (next to last sentence) Judicial review shall be as provided in chapter \* \* \* 227, *except that the place of review shall be in the circuit court of the county in which the appellant resides.*

SECTION 24. 97.035 (5) (last sentence) of the statutes is amended to read:

97.035 (5) (last sentence) Judicial review shall be as provided in chapter \* \* \* 227.

SECTION 25. 97.04 (8) (b) of the statutes is repealed and recreated to read:

97.04 (8) (b) Orders of the department shall be subject to review by appeal in the manner provided in chapter 227, and the court hearing the appeal shall have concurrent jurisdiction under subsection (9).

SECTION 26. 97.06 (6) of the statutes is amended to read:

97.06 (6) The department, after reasonable notice, may deny, revoke, or suspend the license for failure to comply with this section or with an applicable order or regulation of the department, or when the applicant, permit holder or licensee has misrepresented or intentionally failed to disclose a material fact in applying for or seeking a license. In denying, revoking or suspending a license and in determinations under \* \* \* subsection 4 (b) the department may follow the procedure for special orders provided in section 93.18, or the applicant, permit holder or licensee may within 5 days after service upon him as provided in subsection (5) of said section demand such procedure. The license or order may be conditioned upon pertinent circumstance or act. \* \* \* *The action of the department shall be subject to review as provided in chapter 227.*

SECTION 27. 97.09 (7) of the statutes is repealed and recreated to read:

97.09 (7) Action of the department under this section shall be subject to review in the manner provided in chapter 227, except that the place of review shall be the circuit court of the county in which the appellant resides.

SECTION 28. 100.01 (2) (d) of the statutes is amended to read:

100.01 (2) (d) The department of agriculture \* \* \* may suspend any such license temporarily for failure to comply with the provisions of this section or any rules or regulations made by the department of agriculture \* \* \*, and shall have the power to permanently revoke such license for like cause. Before any such suspension or revocation of a license is made the department of agriculture \* \* \* shall give written notice to the licensee that it contemplates the suspension or revocation of the same and give its reasons therefor. Such notice shall appoint a time for hearing before the department of agriculture \* \* \* and may be sent by registered mail to the licensee. The hearing shall be held in the office of the department of agriculture \* \* \* in the city of Madison. On the day of hearing the licensee may present such evidence as he may desire and after hearing the evidence the department of agriculture \* \* \* shall decide the matter in such manner as to it appears just and right. \* \* \* *Action of the department under this subsection shall be subject to review in the manner provided in chapter 227.*

SECTION 29. 100.03 (7) of the statutes is repealed and recreated to read:

100.03 (7) Orders and regulations made under this section shall be subject to review in the manner provided in chapter 227.

SECTION 30. 100.04 (2) (last sentence) of the statutes is amended to read:

100.04 (2) (last sentence) Rehearing as provided in section 93.19 shall apply to proceedings under this subsection, and judicial review shall be as provided in chapter \* \* \* 227.

SECTION 31. 100.205 (1) (c) of the statutes is repealed and recreated to read:

100.205 (1) (c) Orders of the department under this section shall be subject to review in the manner provided in chapter 227, except that the place of review shall be the circuit court of the county where the cause of action that gave the department jurisdiction arose.

SECTION 32. 101.13 of the statutes is amended to read:

101.13 All orders of the industrial commission in conformity with law shall be in force, and shall be prima facie lawful; and all such orders shall be valid and in force, and prima facie reasonable and lawful until they are found otherwise \* \* \* *upon appeal pursuant to chapter 227* or until altered or revoked by the commission.

SECTION 33. 101.17 (2) of the statutes is amended to read:

101.17 (2) Every order of the commission shall, in every prosecution for violation thereof, be conclusively presumed to be just, reasonable and lawful, unless prior to the institution of prosecution for such violation an \* \* \* *appeal* shall have been \* \* \* *taken* \* \* \* *from* such order, as provided in \* \* \* *chapter 227*.

SECTION 34. 101.26 of the statutes is repealed and recreated to read:

101.26 Orders of the commission under sections 101.01 to 101.25 shall be subject to review in the manner provided in chapter 227.

SECTION 35. 101.27 of the statutes is repealed.

SECTION 36. 101.31 (10) (f) of the statutes is repealed and recreated to read.

101.31 (10) (f) The action of the board shall be subject to review in the manner provided in chapter 227.

SECTION 37. 103.02 (1) (third sentence) of the statutes is amended to read:

103.02 (1) (third sentence) Such investigations, classifications and orders \* \* \* shall be made pursuant to the proceeding in sections 101.01 to 101.28 \* \* \* which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 103.01, 103.02 \* \* \*, 103.03 (1) and 103.04 \* \* \*, and every order of the \* \* \* commission shall have the same force and effect as the orders issued pursuant to \* \* \* sections 101.01 to 101.28 \* \* \* and the penalties therein shall apply to and be imposed for any violation of sections 103.01, 103.02, 103.03 and 103.04 \* \* \*. *Such orders shall be subject to review in the manner provided in chapter 227.*

SECTION 38. 103.25 (2) of the statutes is amended to read:

103.25 (2) If upon investigation, the industrial commission shall ascertain and determine that there are practical difficulties or unnecessary hardships in carrying out the provisions of subsection (1) \* \* \*, the commission may by general or special order make reasonable exceptions therefrom, or modifications thereof, having due regard for the life, health, safety and welfare of boys employed in street trades. Such investigation and orders \* \* \* shall be made pursuant to sections 101.01 to 101.28, and \* \* \* shall have the same force and effect as orders issued pursuant to said sections. *Such order shall be subject to review in the manner provided in chapter 227.*

SECTION 39. 103.66 (3) of the statutes is amended to read:

103.66 (3) The investigations, classifications and orders provided for in subsections (1) and (2). \* \* \* shall be made pursuant to the procedure specified in sections 101.01 to 101.28. Every order of the commission shall have the same force and effect as the orders issued pursuant to sections 101.01 to 101.28. *Such orders shall be subject to review in the manner provided in chapter 227.*

SECTION 40. 103.77 (2) of the statutes is amended to read:

103.77 (2) The commission shall have power, jurisdiction and authority to investigate, determine and fix, by general or special orders, reasonable regulations relative to the employment of children under 16 years of age in cherry orchards, market gardening, gardening conducted or controlled by canning companies, and the culture of sugar beets and cranberries, for the purposes

of protecting the life, health, safety and welfare of such children. Such investigations and orders \* \* \* shall be made pursuant to \* \* \* sections 101.01 to 101.28. Every order of the commission shall have the same force and effect as the orders issued pursuant to sections 101.01 to 101.28. *Such orders shall be subject to review in the manner provided in chapter 227.*

SECTION 41. 103.79 (2) of the statutes is amended to read:

103.79 (2) The commission shall have power, jurisdiction and authority to investigate, determine and fix by general or special order reasonable regulations relative to the employment of boys under 18 years of age as caddies on golf courses. Such regulations may include a waiver or modification of permit requirements for such caddies. Such investigations and orders \* \* \* shall be made pursuant to \* \* \* sections 101.01 to 101.28, and every order of the commission shall have the same force and effect as the orders issued pursuant to sections 101.01 to 101.28. *Such orders shall be subject to review in the manner provided in chapter 227.*

SECTION 42. 104.04 of the statutes is amended to read:

104.04 It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classifications, and to \* \* \* impose general or special orders, determining the living-wage, and to carry out the purposes of sections 104.01 to 104.12. Such investigations, classifications and orders, \* \* \* shall be made pursuant to the proceeding in sections 101.01 to 101.28, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 104.01 to 104.12; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 101.01 to 101.28, and the penalties therein shall apply to and be imposed for any violation of sections 104.01 to 104.12. *Said orders shall be subject to review in the manner provided in chapter 227.*

SECTION 43. 105.15 of the statutes is amended to read:

105.15 Such investigations, classifications and orders \* \* \* shall be made pursuant to the proceeding in sections 101.01 to 101.28, \* \* \* which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 105.01 to 105.15, \* \* \* and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sec-

tions 101.01 to 101.28 \* \* \* and the penalties therein shall apply to and be imposed for any violation of sections 105.01 to 105.11 \* \* \*, 105.13 to 105.15 \* \* \*. *Said orders shall be subject to review in the manner provided in chapter 227.*

SECTION 44. 106.01 (9) of the statutes is amended to read:

106.01 (9) It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority, to investigate, ascertain, determine and fix such reasonable classifications and to issue rules and regulations, and general or special orders and to hold hearings and make findings and render orders thereon as shall be necessary to carry out the intent and purposes of section 106.01. Such hearings, investigations, classifications, findings and orders \* \* \* shall be made pursuant to the proceeding in sections 101.01 to 101.28 \* \* \*, which are hereby made a part hereof, so far as not inconsistent with the provisions of section 106.01; and every order of the said industrial commission shall have the same force and effect as the orders issued pursuant to said sections 101.01 to 101.28 \* \* \* and the penalties therein shall apply to and be imposed for any violations of section 106.01, excepting as to the penalties provided in \* \* \* section 106.01 (8). *Said orders shall be subject to review in the manner provided in chapter 227.*

SECTION 45. 110.06 (4) of the statutes is repealed and recreated to read:

110.06 (4) The orders and determinations, rules and regulations made by the commissioner shall be subject to review in the manner provided in chapter 227.

SECTION 46. 111.07 (8) of the statutes is repealed and recreated to read:

111.07 (8) The order of the board shall also be subject to review in the manner provided in chapter 227, except that the place of review shall be the circuit court of the county in which the appellant or any party resides or transacts business.

SECTION 47. 111.07 (9) of the statutes is repealed.

SECTION 48. 111.07 (10) of the statutes is amended to read:

111.07 (10) Commencement of proceedings under subsection (7) \* \* \* shall, unless otherwise specifically ordered by the court, operate as a stay of the board's order.

SECTION 49. 114.26 of the statutes is repealed and recreated to read:

114.26 The orders of the board shall be subject to review in the manner provided in chapter 227, except that the place of review shall be the circuit court of the county in which the order was made or the property affected by the order is located.

SECTION 50. 125.08 (2) of the statutes is amended to read:

125.08 (2) The board may revoke a certificate of registration obtained through error of the board or fraud on the part of the applicant, or if the holder is grossly incompetent, guilty of immoral or unethical conduct, or obtained or sought to obtain anything of value by fraudulent representations in the practice of watchmaking. The holder of such certificate shall be given 30 days' notice in writing enumerating the charges and specifying a date for the hearing on such charges. At the hearing he shall have the opportunity to confront witnesses against him and to produce evidence bearing on such charges. A stenographic record of all proceedings shall be made and transcript kept on file with the board. \* \* \* *The revocation shall be subject to review in the manner provided in chapter 227.*

SECTION 51. 135.01 (4) (next to last sentence) of the statutes is amended to read:

135.01 (4) (next to last sentence) Any person who shall have appeared at said public hearing and filed written protest against any proposed standard or rule may, upon the adoption of such standard or rule, obtain a review thereof \* \* \* *as provided in chapter 227.*

SECTION 52. 135.12 (5) of the statutes is repealed and recreated to read:

135.12 (5) Orders of the board shall be subject to review in the manner provided in chapter 227, except that the place of review shall be the circuit court of the county in which the board's hearing was held.

SECTION 53. 136.15 (1) of the statutes is repealed and recreated to read:

136.15 (1) Orders of the board shall be subject to review in the manner provided in chapter 227.

SECTION 54. 144.07 (3) (b) of the statutes is repealed and recreated to read:

144.07 (3) (b) Appeal in the manner provided in chapter 227, except that the place of appeal shall be the circuit court of the county of the municipality furnishing the service.

SECTION 55. 144.10 of the statutes is amended to read:

144.10 An owner may elect to arbitrate or may \* \* \* *appeal in the manner provided in chapter 227* from any order of the board. The provisions of \* \* \* section 144.07 (3) shall apply, including affirmation or modification, but excepting the 20-day limitation. Taxable costs shall be in the discretion of the court.

SECTION 56. 144.56 (2) of the statutes is repealed and recreated to read:

144.56 (2) The determination of the committee shall be subject to review in the manner provided in chapter 227.

SECTION 57. 147.11 of the statutes is repealed and recreated to read:

147.11 The action of the board in granting or denying a certificate shall be subject to review by appeal in the manner provided in chapter 227, and any state examining board for any branch of treating the sick may take such appeal as a party aggrieved.

SECTION 58. 151.02 (7) (third sentence) of the statutes is amended to read:

151.02 (7) (third sentence) Decisions of the board under this section shall be subject to review as provided in \* \* \* *chapter 227* and in case the provisions thereof are invoked by the accused within such 20-day period, such order of revocation shall become effective only at such time as may be ordered by the court.

SECTION 59. 152.06 (4) of the statutes is amended to read:

152.06 (4) A copy of the complaint shall forthwith be served upon the licensed dentist, or person acting as such, complained against by personal service or by mailing of the same to his last known business address. The person so served shall file his answer thereto with the board within 10 days after such service and shall also serve a copy of such answer on the complainant. The board shall thereupon set the matter for hearing as promptly as possible and within 30 days after the date of filing of the complaint. Either party may appear at such hearing in person or by attorney or agent and present such testimony as may be pertinent to the controversy before the board. \* \* \* *The action of the board shall be subject to review in the manner provided in chapter 227.*

SECTION 60. 153.06 (2) of the statutes is amended to read:

153.06 (2) The board may revoke a certificate obtained through error or fraud, or if the recipient is grossly incompetent, guilty of immoral or unprofessional conduct, or has obtained, or sought to obtain, anything of value by fraudulent representation in the practice of optometry. The holder shall have notice in writing enumerating the charges and specifying a date not less than 30 days after the service of the notice for a hearing and he shall have opportunity to confront witnesses against him, and to produce testimony. A stenographic record of the proceedings shall be had and transcript kept in the board's files. \* \* \* *The action of the board shall be subject to review in the manner provided in chapter 227, except that the place of review shall be the circuit court of the county in which the appellant resides.*

SECTION 61. 160.07 of the statutes is repealed and recreated to read:

160.07 Orders of the board shall be subject to review in the manner provided in chapter 227.

SECTION 62. 160.22 of the statutes is repealed and recreated to read:

160.22 Orders of the board shall be subject to review in the manner provided in chapter 227.

SECTION 63. 180.17 (3) (first sentence) of the statutes is amended to read:

180.17 (3) (first sentence) The public service commission after a public hearing as provided in section 196.26, and subject to the right of review as provided in chapter \* \* \* 227, may declare any line to have been abandoned or discontinued, if the facts warrant such finding.

SECTION 64. 184.08 of the statutes is repealed and recreated to read:

184.08 Any action of the commission under the provisions of this chapter shall be subject to review in the manner provided in chapter 227.

SECTION 65. 189.22 (4) of the statutes is amended to read:

189.22 (4) No \* \* \* *appeal from* any order of the department shall be brought in any court unless the plaintiff within the time limited herein shall have made application to the department for rehearing and the department shall have acted or failed to act upon said application as provided for in this section.

SECTION 66. 189.22 (5) of the statutes is repealed and recreated to read:

189.22 (5) Orders of the department, except those made under section 189.11, shall be subject to review in the manner provided in chapter 227.

SECTION 67. 189.22 (6) and (7) of the statutes are repealed.

SECTION 68. 189.23 and 189.24 of the statutes are repealed.

SECTION 69. 189.25 of the statutes is amended to read:

189.25 (1) No injunction shall issue in any \* \* \* *appeal taken* pursuant to \* \* \* section 189.22 (5) suspending or staying any order of the department, except upon application to the court or the presiding judge thereof, notice of which shall be given to the department and any other party to the \* \* \* *appeal*, and hearing; and no injunction shall issue in any other proceeding or action, in any court, which shall have the effect of delaying or preventing any order of the department from becoming effective, unless the parties to the proceeding before the department in which such order was made, are also parties to such proceeding or action.

(2) No injunction shall issue in any \* \* \* *appeal taken* pursuant to \* \* \* section 189.22 (5) or in any other proceeding or action, in any court suspending or staying any order of the department or having the effect of delaying or preventing any order of the department from becoming effective, unless an undertaking shall be entered into on the part of the plaintiff, with such surety or sureties and in such sum as the court or the presiding judge thereof shall direct or approve, to the effect that the plaintiff will pay all damages which any party may sustain by the suspension or stay of the order of the department or the delay or prevention of such order from becoming effective, and to such other effect as such court or judge may direct, and no order or judgment in any such proceeding or action shall be stayed on appeal therefrom unless a like undertaking be entered into by the appellant in addition to the undertaking provided in \* \* \* section 274.11 (3).

SECTION 70. 189.26 of the statutes is repealed.

SECTION 71. 191.09 (2) of the statutes is repealed and recreated to read:

191.09 (2) Orders of the commission under this chapter shall be subject to review in the manner provided in chapter 227.

SECTION 72. 194.13 of the statutes is repealed and recreated to read:

194.13 Orders and determinations made pursuant to this chapter shall be subject to review in the manner provided in chapter 227.

SECTION 73. 195.03 (4) of the statutes is amended to read:

195.03 (4) All of the practice and procedure provisions contained in sections 196.33 to 196.36 and \* \* \* 196.48 shall apply to investigations and hearings under chapters 190 to 195, and \* \* \* the orders of the commission made under said chapters *shall be subject to review in the manner provided in chapter 227.*

SECTION 74. 195.06 of the statutes is amended to read:

195.06 All rates, fares, charges, classifications and joint rates fixed by the commission shall be in force and shall be prima facie lawful, and all regulations, practices and service prescribed by the commission shall be in force and shall be prima facie reasonable, until finally found otherwise \* \* \* *upon an appeal taken pursuant to \* \* \* chapter 227.*

SECTION 75. 196.35 of the statutes is repealed.

SECTION 76. 196.41 of the statutes is repealed and recreated to read:

196.41 Any order or determination of the commission may be reviewed in the manner provided in chapter 227.

SECTION 77. 196.42 of the statutes is repealed.

SECTION 78. 196.43 of the statutes is amended to read:

196.43 (1) No injunction shall issue in any \* \* \* *appeal taken under chapter 227 from an order of the commission*, suspending or staying any *such order* \* \* \* except upon application to the circuit court or presiding judge thereof, notice to the commission and any other party, and hearing; and no injunction shall issue in any other proceeding or action, in any court, which shall have the effect of delaying or preventing any order of the commission from becoming effective, unless the parties to the proceeding before the commission in which such order was made are also parties to such proceeding or action.

(2) No injunction shall issue in any such \* \* \* *appeal, or in any other proceeding or action*, suspending or staying any order of the commission or having the effect of delaying or preventing any order of the commission from becoming effective,

unless an undertaking shall be entered into on the part of the plaintiff, by at least 2 sureties, in such sum as the court or the presiding judge thereof shall direct to the effect that the plaintiff will pay all damages which the opposite party may sustain by the delay or prevention of the order of the commission from becoming effective, and to such further effect as such judge or court shall in discretion direct, and no order or judgment in any such proceeding or action shall be stayed on appeal therefrom unless a like undertaking be entered into by the appellant in addition to the undertaking provided in section 274.11 (3).

SECTION 79. 196.44, 196.45, 196.46 and 196.47 of the statutes are repealed.

SECTION 80. 196.85 (8) (first sentence) of the statutes is repealed.

SECTION 81. 197.06 of the statutes is repealed and recreated to read:

197.06 The order of the commission may be reviewed by appeal in the manner provided in chapter 227, and any bondholder, mortgagee, lienholder or other creditor may take such appeal as a party aggrieved.

SECTION 82. 197.07 of the statutes is repealed.

SECTION 83. 200.11 (3) of the statutes is repealed and recreated to read:

200.11 (3) Any final order of the commissioner may be reviewed in the manner provided in chapter 227, but no such review shall be had upon any order refusing a license to any foreign company or mutual benefit society to transact business in this state where such company or society shall not on the date of the application for such license be lawfully transacting business in this state.

SECTION 84. 205.08 (3) of the statutes is amended to read:

205.08 (3) Any employer who shall apply or promote any oppressive plan of physical examination and rejection of employes or applicants for employment shall forfeit the right to the advantages of experience rating. If the industrial commission shall find that grounds exist for such forfeiture it shall file with the commissioner a certified copy of its findings, and such filing shall automatically suspend any experience rating credit which may accrue to such employer. Such determination shall be made

in the \* \* \* manner \* \* \* prescribed in sections 101.13 to 101.27 so far as such sections are applicable. Restoration of an employer to the advantages of experience rating shall be by like procedure. *Such determination shall be subject to review in the manner provided in chapter 227.*

SECTION 85. 205.11 (2) of the statutes is repealed and recreated to read:

205.11 (2) Any order of the commissioner under this section shall be subject to review in the manner provided in chapter 227.

SECTION 86. 208.33 (last sentence) of the statutes is amended to read:

208.33 (last sentence) All decisions and orders of the commissioner relating to mutual benefit societies may be reviewed as provided \* \* \* *in chapter 227.*

SECTION 87. 214.11 of the statutes is repealed and recreated to read:

214.11 Orders of the department under this chapter shall be subject to review in the manner provided in chapter 227.

SECTION 88. 215.355 (4) of the statutes is repealed.

SECTION 89. 218.01 (3) (f) and (g) of the statutes are amended to read:

218.01 (3) (f) Any licensee or other person in interest being dissatisfied with an order of the commission may \* \* \* *have a review thereof as provided in chapter 227.*

\* \* \*

SECTION 90. 218.02 (9) of the statutes is amended to read:

218.02 (9) The commission may make such rules and require such reports as it may deem necessary for the enforcement of this section. The provisions of sections 214.08, 214.09, \* \* \* 214.12, 214.26 and 214.27 shall apply to and be available for the purposes of this section. *Orders of the commission under this section shall be subject to review in the manner provided in chapter 227.*

SECTION 91. 218.04 (9) (b) of the statutes is repealed.

SECTION 92. 218.04 (9) (a) of the statutes is renumbered 218.04 (9) and amended to read:

218.04 (9) Any licensee or other person in interest being dissatisfied with any order of the commission may \* \* \* *have a review thereof as provided in chapter 227.*

SECTION 93. 220.035 (3) of the statutes is repealed and recreated to read:

220.035 (3) Any final order or determination of the banking review board shall be subject to review in the manner provided in chapter 227.

SECTION 94. 285.05 (5) of the statutes is amended to read:

285.05 (5) The commission shall keep a complete record of its proceedings in each case and of all the evidence. The findings and the award of the commission shall be subject to review \* \* \* *as provided in chapter 227.* \* \* \*

SECTION 95. 351.50 (3m) of the statutes is amended to read:

351.50 (3m) If upon investigation, the industrial commission shall ascertain and determine that there be practical difficulties or unnecessary hardships in carrying out the provisions of this section, the commission may by general or special order make reasonable exceptions therefrom or modifications thereof provided that the life, health, safety and welfare of employes shall not be sacrificed or endangered thereby. Such investigation and orders \* \* \* shall be made pursuant to the proceedings in sections 101.01 to 101.28; and every order of the commission under this section shall have the same force and effect as the orders issued pursuant to said sections. *Such orders shall be subject to review in the manner provided in chapter 227.*

SECTION 96. This act does not affect the present procedure and practice for taking appeals from the determination of the department of taxation to the board of tax appeals, nor does this act supersede, affect or modify sections 73.01 or 76.08 (1).

SECTION 97. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 98. This act shall take effect upon passage and publication, but shall not affect pending actions or proceedings.

Approved June 28, 1943.