

1971 Assembly Bill 1507

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CHAPTER 243, Laws of 1971

AN ACT to repeal 215.04 (5); to amend 215.04 (1) (b) and (6) and 227.16 (1); to repeal and recreate 215.04 (4); and to create 227.16 (1m) of the statutes, relating to administrative acts of the commissioner of savings and loan.

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

SECTION 1. 215.04 (1) (b) of the statutes is amended to read:

215.04 (1) (b) Review the acts ~~and decisions~~, orders and determinations of the commissioner under sub. (4);

SECTION 2. 215.04 (4) of the statutes is repealed and recreated to read:

215.04 (4) REVIEW OF GRIEVANCES, ORDERS OR DETERMINATIONS. Any interested person or any association aggrieved by any act, order or determination of the commissioner, which relates to savings and loan associations may, within 20 days thereof, apply to the review board to review the action of the commissioner. The sole review of the commissioner's decision shall be to determine whether or not the commissioner has acted within the scope of his authority, has not acted in an arbitrary or capricious manner, and that the act, order or determination of the commissioner is supported by substantial evidence in view of the entire record as submitted. The review of applications for branches, relocation of association offices or new charters shall be based exclusively on the record, and no new evidence shall be taken by the review board. Applications under this subsection shall be considered and disposed of as speedily as possible.

SECTION 3. 215.04 (5) of the statutes is repealed.

SECTION 4. 215.04 (6) of the statutes is amended to read:

215.04 (6) REVIEW OF FINAL ORDERS AND DETERMINATIONS. Any final order or determination of the review board shall be subject to review under ch. 227. If an act, order or determination of the commissioner is reversed or modified by the review board, the commissioner shall be deemed a person aggrieved and directly affected thereby under s. 227.16 (1).

SECTION 5. 227.16 (1) of the statutes is amended to read:

227.16 (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.15 and directly affected thereby shall be entitled to judicial review thereof as provided in this chapter. Proceedings for review shall be instituted by serving a petition therefor personally or by registered mail upon the agency or one of its members or upon its secretary or clerk, and by filing such petition 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 upon all parties as provided in s. 227.14 or in cases where a rehearing is requested

within 30 days after service of the order finally disposing of the application for such rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The petition shall state the nature of the petitioner's interest, the fact showing that petitioner is aggrieved and directly affected by the decision, and the ground or grounds specified in s. 227.20 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving the same as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the tax appeals commission or of the banking review board, the consumer credit review board or the credit union review board, or of the savings and loan review board, the department of revenue or the commissioner of banking or the commissioner of savings and loan, as the case may be, shall be the named respondent except as provided in sub. (1m). Copies of the petition shall be served, personally or by registered mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made; and for the purpose of such service the agency upon request shall certify to the petitioner 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 tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan 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.

SECTION 6. 227.16 (1m) of the statutes is created to read:

227.16 (1m) If the petitioner under sub. (1) is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.
