TITLE XVIII.

Administrative Procedure and Review.

CHAPTER 227.

ADMINISTRATIVE PROCEDURE AND REVIEW.

227.001 Administrative rules committee created. (1) There is created a joint special legislative committee consisting of 3 senators and 5 assemblymen to be appointed as are standing committees in the respective houses. The committee shall make a study of problems relating to the rule-making powers and activities of administrative agencies, including the feasibility of placing limitations on the rule-making powers of administrative agencies and of establishing a more uniform procedure for administrative rule making. The committee shall make its report and recommendations to the legislative council by September 1, 1954, and the council shall transmit such report and recommendations to the legislature by the opening of the 1955 session.

(2) The committee is authorized to meet and hold such hearings as it may deem desirable and to take testimony and subpoena witnesses; the provisions of s. 13.35 relating to the summoning and compelling the attendance of witnesses shall apply also to the committee created by this section.

(3) The administrative and research functions of the committee shall be performed by the legislative council staff.

(4) Members of the committee shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties.

(5) The committee created by joint resolution No. 7, S., of the 1953 session is relieved of its duties, and its records shall be turned over to the committee created by this section and shall be filed in the office of the legislative council.

History: 1953 c. 331.

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 as provided in s. 227.22), the state board of health, the motor vehicle department, the commissioner of banks, the banking review board, the personnel board, and all other boards, commissions, departments and officers having state-wide 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, statement of policy of general application or general order having the effect of law, 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, after hearing required by law, the legal rights, duties or privileges of any party to such proceeding are determined or directly affected by a decision or order in such proceeding and in which the assertion by one party of any such right, duty or privilege is denied or controverted by another party to such proceeding.

History: 1951 c. 717; 1953 c. 277.

The provisions for judicial review of rulings and decisions of administrative agencies should be liberally construed. Kubista v. State Annuity and Inv. Board, 257 W 359, 43 NW (2d) 470.

The annuity and investment board is an "agency" so that its rulings and determinations in administering the state employes' retirement system are subject to judicial review. Kubista v. State Annuity and Inv. Board, 257 W 359, 43 NW (2d) 470.

The sole purpose of the legislature in adopting the uniform administrative procedure act (227.01 to 227.21) in 1943 was to establish a uniform method of judicial review of official acts of administrative bodies, and there was no intent to abolish any existing right of review. Muench v. Public Service Comm. 261 W 492, 53 NW (2d) 514.

A regularly enacted statute, or an order of an administrative body made pursuant to statutory authority, will be presumed to be constitutional until it has been declared to be otherwise by a competent tribunal. A party attacking a statute has the burden of overcoming the presumption of constitutionality and showing that the statute is unconstitutional. State v. Stehlek, 262 W 642, 56 NW (2d) 514.

Orders of the public service commission which regulate water levels are in the nature of administrative decisions and need not be filed in the office of the secretary of state or published in the Red Book. 39 Atty. Gen. 608.

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 Publication, effective date and filing of rules. (1) Unless publication is otherwise required by statute, each agency shall publish all rules adopted by it at least once in the official state paper.

(2) Unless a different time is otherwise provided by statute, or unless rules become effective without publication on the happening of some act not within the control of the agency, rules shall become effective on the day after publication; but the rule may itself provide that it shall become effective on a later date.

(2m) After the agency has adopted a numbering system for its rules under s. 35.93 (2) all rules adopted shall be numbered according to such system.

(3) Each agency shall at the time of publication file with the secretary of state, the revisor of statutes, and the legislative council a certified copy of each rule adopted by it. The secretary of state and revisor of statutes shall each keep a permanent file of such rules. If the agency fails to file as herein required any rule promulgated on or after July 1, 1953, such rule is void until such time as the filing requirements have been complied with.

History: 1951 c. 717; 1953 c. 276, 331, 631.

See note to 78.24, citing Mondovi Co-op. Equity Asso. v. State, 258 W 505, 46 NW (2d) 825.

227.031 Legislative review of rules. The legislature may at any time by joint resolution disapprove any rule then in effect. Disapproval is effective only when the joint resolution has been published in the same manner as required of the agency when it enacted the rule and has been filed in the manner prescribed by s. 227.03 for the filing of rules. When so disapproved, the rule is void as if the agency had repealed it. The legislature may indicate in the joint resolution what modifications would result in an acceptable rule.

History: 1953 c. 331.

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.

A petition to the circuit court for Dane county to review the action of the annuity and investment board, in denying the petition of the administrator of a deceased state employe to grant the request of such employe to change to another plan of payment under the state employes retirement system, was sufficient to give the court jurisdiction as a petition for a review of a "declaratory ruling" by the board under this section, although the petition filed with the board was not designated as a petition for a declaratory ruling, and neither petition made any reference to this section. Kubista v. State Annuity and Inv. Board, 257 W 359, 43 NW (2d) 470.

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.

A determination made by an administrative agency is not the exercise of a judicial function, but is an administrative act merely and does not have the force of a judgment of a court. A ruling made by an administrative agency relates only to the facts and conditions presented on the pending proceeding, and the agency is not bound by its prior determinations. A determination of the employment relations board denying a petition of certain employers involving certain issues of fact did not preclude the board from later making a determination granting a subsequent petition involving the same issues. Dairy Employes Ind. Union v. Wisconsin E. R. Board, 262 W 280, 55 NW (2d) 3.

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.

The function of prescribing rules for pleading and procedure before administrative bodies is not for the courts but for the legislature, which may prescribe such rules or may authorize the administrative board or agency to prescribe its own rules. Gray Well Drilling Co. v. State Board of Health, 263 W 417, 58 NW (2d) 64.

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.

On the issue whether "outside" employes constituted a single division or department of the employer, the employment relations board properly admitted and considered bargaining contracts of other dairies operating in the area since, although evidence of that character would not under most circumstances be received in a court of law, proceedings before the board, as an administrative body, are not required to be conducted with all the formality of a trial in a court and the board is not bound by common-law or statutory rules of evidence in contested cases. Dairy Employes Ind. Union v. Wisconsin E. R. Board, 262 W 280, 55 NW (2d) 3.

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 participate in the decision to hear or read all the evidence, the final decision shall not be made until a summary of the evidence prepared by the person conducting the hearing, together with his recommendations as to the findings of fact and the decision in the proceeding has been prepared and furnished to each party, and a reasonable opportunity has been afforded to each party to file written exceptions to such summary and proposed findings and decision and to argue with respect to them orally and in writing before all the members who are to participate in the decision. The agency's findings of fact may be made upon the basis of such summary and the filed exceptions thereto as herein provided. 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 conclusion 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.

Findings of the personnel board that the commissioner of the motor vehicle department "had reason to believe" that an employe in such department was guilty of certain conduct did not constitute proper findings of fact to support a conclusion that the employe's discharge was for just cause; it is not sufficient for the board to find that the commissioner believed the employe guilty of certain conduct which, if true, would constitute just cause for the discharge, but rather, whether the employe actually did these things which the board found that the commissioner believed the employe did. Bell v. Personnel Board, 259 W 602, 49 NW (2d) 889.

227.14 Service of decision. Every decision when made, signed and filed, shall be served forthwith by personal delivery or mailing of a copy to each party to the proceedings or to his attorney of record.

227.15 Judicial review; orders reviewable. Administrative decisions, which directly affect the legal rights, duties or privileges of any person, whether affirmative or negative in form, except the decisions of the department of taxation, the commissioner of banks and the commissioner of savings and loan associations, shall be subject to judicial review as provided in this chapter; 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.

See note to 196.405, citing Milwaukee v. Public Service Comm. 259 W 30, 47 NW (2d) 298.
See note to 31.06, citing Muench v. Public Service Comm. 261 W 492, 53 NW (2d) 514.

227.16 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in section 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 section 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 section 227.20 upon which petitioner contends that the decision shald 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 board of tax appeals or of the banking review board, the consumer credit review board or the credit union review board, or of the savings and loan advisory committee, the department of taxation or the commissioner of banks or the commissioner of savings and loan associations, as the case may be, shall be the named respondent. 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 board of tax appeals and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan advisory committee) 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.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance stating his position with reference to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney-general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as herein provided or have been permitted to intervene in said proceeding, as parties thereto ,by order of the reviewing court.

A citizen of the state, who has appeared at a hearing of the public service commission, held under 31.06, in respect to an application to erect a dam in a navigable stream, is a person "aggrieved" and "directly affected" by a decision of the commission finding that public rights will not be violated by the erection of the proposed dam, and is therefore entitled, under 227.16 (1), to petition the circuit court for review under 227.15. When public rights are at stake in proceedings for the review of findings of the public service commission authorizing a permit to erect a dam in navigable waters, the state is an "interested person" so that, under 227.16 (1), the attorney general, in the name of the state, may be permitted by the court to intervene in the review proceedings. Muench v. Public Service Comm. 261 W 492, 53 NW (2d) 514.

The L. telephone company was a person interested in and a proper party to proceedings before the public service commission on the petition of certain rural patrons of the L. Company in the town of W. P., in which the C. telephone company was also rendering local telephone service, for service from the C. company, and a "person aggrieved" by the adverse decision of the public service commission, within the meaning of 227.16 (1), so as to be entitled to a review of the commission's order in the circuit court. Lodi Telephone Co. v. Public Service Comm. 262 W 416, 55 NW (2d) 379.

227.17 Stay of proceedings. The institution of the proceeding for review 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 petition for review 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 in which the decision under review was made, 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; trial; motion to dismiss; amending petition. (1) 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.

(2) Proceedings for review of administrative agency decisions as provided in this chapter may be brought on for trial or hearing at any time upon not less than 10 days' notice given after the expiration of the time for service of the notices provided in section 227.16 (2).

(3) Within 20 days after the time specified in section 227.16 for filing notices of appearance in any proceeding for review, any respondent who has served such notice may move to dismiss the petition as filed upon the ground that such petition, upon its face, does not state facts sufficient to show that the petitioner named therein is aggrieved and directly affected by the decision sought to be reviewed. Upon the hearing of such motion the court may grant the petitioner leave to amend the petition if the amendment as proposed shall have been served upon all respondents prior to such hearing. If so amended the court may consider and pass upon the validity of the amended petition without further or other motion to dismiss the same by any respondent.

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.

The trial court must reverse the personnel board's decision sustaining the employe's discharge if there is no substantial evidence, considering the entire record as a whole, which would establish that the discharge was for just cause; the supreme court is unable to reach the conclusion of the trial court that there is no substantial evidence which might sustain the board's decision if the board had made proper findings of fact, and hence the record must be returned to the board so that it may make proper findings of fact and a new decision based on such new findings. Bell v. Personnel Board, 259 W 602, 49 NW (2d) 889.

In an order of the public service commission, requiring the railroad to stop a certain transcontinental train at a certain city, "or in the alternative, shall provide other eastbound passenger service between 6 a. m. and 12 noon daily," the alternative portion was inserted for the benefit of the railroad, and therefore it is in no position to claim that it was prejudiced thereby by asserting that the order was "arbitrary or capricious" in this respect within the meaning of (1) (e). Chicago, M., St. P. & P. R. Co. v. Public Service Comm. 260 W 212, 50 NW (2d) 416.

This section, (1) (d) in particular, prescribing the scope of review by a court of findings and orders of administrative bodies, such as the public service commission, is construed as meaning that the reviewing court must accept findings of fact of an administrative body if they are supported by substantial evidence, even in cases where a constitutional question is involved. Chicago, M., St. P. & P. R. Co. v. Public Service Comm. 260 W 212, 50 NW (2d) 416.

A finding of the public service commission, that the construction and operation of an extension of trackless trolley lines and service by a street railway will not impair the earnings of the company so as to prevent an adequate or fair return, may be disturbed on appeal only if it is unsupported by substantial evidence in view of the entire record. The commission might reasonably assume that the company will take appropriate steps to save its property from confiscation, that is, apply for a rate increase, if the required extension will produce or increase an existing loss of revenue. In reviewing findings, the court must recognize that the commission has expert knowledge, that such knowledge may be applied by it, and that, even though the court might differ from the commission, the court is without power to substitute its views of what may be reasonable. Milwaukee E. R. & T. Co. v. Public Service Comm. 261 W 299, 52 NW (2d) 876.

See note to 111.05, citing Dairy Employes Ind. Union v. Wisconsin E. R. Board, 262 W 280, 55 NW (2d) 3.

The commission's finding that the L. company's service to the petitioners was inadequate was sufficiently supported by evidence as to the cost of toll charges which the petitioners were required to pay in order to make calls to their trading, social, church and school center, and the commission's order requiring the C. company to extend its line in the town of W. P. so as to render local service to the petitioners was within the commission's jurisdiction, and did not deprive the L. company of any existing unqualified legal right under its authorization to operate in the same area. Lodi Telephone Co. v. Public Service Comm. 262 W 416, 55 NW (2d) 379.

The court should not interfere with a finding of the public service commission merely because the commission may have reversed prior commission policy by so finding. Lodi Telephone Co. v. Public Service Comm. 262 W 416, 55 NW (2d) 379.

A city challenging a sewage-treatment order of the state committee on water pollution on grounds of excess of statutory authority or on constitutional grounds or on some other ground, can obtain a judicial review of the order only by the methods specified under 144.56 (2) and 227.20, and the city cannot instead obtain a review of such order through the medium of an action for a declaratory judgment. (State ex rel. Martin v. Juneau, 238 W 564, explained.) Where a specified method of review is prescribed by statute, the method so prescribed is exclusive. Superior v. Committee on Water Pollution, 263 W 23, 56 NW (2d) 501.

Under (1) (d) authorizing the reviewing court to reverse or modify the decision of any administrative agency covered by such act if the substantial rights of the appellant have been prejudiced as the result of the agency's findings, conclusions or decision being "unsupported by substantial evidence in view of the entire record," it is not proper for the court to affirm the findings of any such agency by merely considering isolated testimony which, if standing alone, would be sufficient to sustain the findings, without considering other testimony in the record which impeaches the same. Motor Transport Co. v. Public Service Comm. 263 W 31, 56 NW (2d) 548.

Although the public service commission's findings are not to be disturbed if inferences from established facts are properly drawn, an isolated piece of testimony does not constitute "substantial evidence in view of the entire record," under (1) (d), if such isolated statement is explained or entirely discredited by other testimony or evidence in the record. Albrent Freight & Storage Co. v. Public Service Comm. 263 W 119, 56 NW (2d) 846.

For discussion of use of certiorari where statutory appeal is given, see notes to 40.03, citing Perkins v. Peacock, 263 W 644, 58 NW (2d) 536.

Orders of an administrative agency, like statutes, should not be held to be too indefinite to be operative because they contain terms not susceptible of exact meaning, or are imperfect in their details, or where they employ words commonly understood, and they should not be pronounced void for uncertainty if they are susceptible of any reasonable construction, but should be given effect if by any reasonable construction they are capable of administration and enforcement. Madison Bus Co. v. Public Service Comm. 264 W 12, 58 NW (2d) 463.

See note to 71.11, citing Platon v. Department of Taxation, 264 W 254, 58 NW (2d) 712.

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 Exceptions from chapter 227 of certain assessments under chapter 76. This chapter shall apply to cases arising under s. 76.38. Except for cases arising under s. 76.38, this chapter shall not apply to assessments made under ch. 76 or to decisions of the board of tax appeals upon the review of such assessments, nor to any decision made by the department of taxation pursuant to a hearing under the provisions of s. 76.10 (1).

History: 1953 c. 277.

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.

227.25 Certification of certain cases from the circuit court of Dane county to other circuits. Any action or proceeding for the review of any order of an administrative officer, commission, department or other administrative tribunal of the state required by law to be instituted in or taken to the circuit court of Dane county except action or appeal for the review of any order of the industrial commission which shall have been so instituted or taken and shall not have been called for trial or hearing within 6 months after such proceeding or action has been instituted, and the trial or hearing of which shall not have been continued by stipulation of the parties or by order of the court for cause shown, shall on the application of either party on 5 days' written notice to the other be certified and transmitted for trial to the circuit court of the county of the residence or principal place of business of the plaintiff or petitioner, where such action or proceeding shall have the precedence over all ordinary civil actions. Unless written objection shall be filed within such 5-day period, the order certifying and transmitting such proceeding shall be entered without hearing. The plaintiff or petitioner shall pay to the clerk of the circuit court of Dane county a fee of $2 for transmitting the record.

227.26 Jurisdiction of state courts to determine validity of laws when attacked in federal court and to stay enforcement. Whenever a suit praying for an interlocutory injunction shall have been begun in a federal district court to restrain any department, board, commission or officer from enforcing or administering any statute or administrative order of this state, or to set aside or enjoin such suit or administrative order, such department, board, commission or officer, or the attorney-general, may bring a suit to enforce such statute or order in the circuit court of Dane county at any time before the hearing on the application for an interlocutory injunction in the suit in the federal court. Jurisdiction is hereby conferred upon the circuit court of Dane county and on the supreme court, on appeal, to entertain such suit with the powers herein granted. The circuit court shall, when such suit is brought, grant a stay of proceedings by any state department, board, commission or officer under such statute or order pending the determination of such suit in the courts of the state. The circuit court of Dane county upon the bringing of such suit therein shall at once cause a notice thereof, together with a copy of the stay order by it granted, to be sent to the federal district court in which the action was originally begun. An appeal may be taken within ten days after the termination of the suit in the circuit court to the supreme court of the state, and such appeal shall be in every way expedited and set for an early hearing.