

2003 DRAFTING REQUEST

Assembly Amendment (AA-SB49)

Received: 02/13/2004

Received By: rnelson2

Wanted: Today

Identical to LRB:

For: Frank Lasee (608) 266-9870

By/Representing: Lance

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Administrative Law

Extra Copies:

Submit via email: YES

Requester's email: Rep.Lasee@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Evidence in adm. hearings

Instructions:

See 227.45 (1)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rnelson2 02/16/2004	kgilfoy 02/16/2004	rschluet 02/16/2004	_____	mbarman 02/16/2004	mbarman 02/16/2004	

FE Sent For:

<END>

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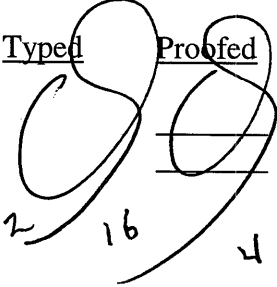
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/1	rnelson2	1-2/16 Kmg					

FE Sent For:

<END>

Nelson; Robert P.

From: Burri, Lance
Sent: Thursday, February 12, 2004 5:03 PM
To: Nelson, Robert P.
Subject: SB 49

Hi. Rep. Lasee wants to have an amendment drafted to SB 49, to include administrative hearings held by state agencies and/or administrative law judges. He did not want to include board of adjustment hearings.

Please give me a call to discuss how this can be done. Thanks.

Lance Burri
Office of Rep. Frank Lasee
888-534-0002 or 608-266-9870
lance.burri@legis.state.wi.us



**ASSEMBLY AMENDMENT ,
TO 2003 SENATE BILL 49**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 **"SECTION 1d.** 227.45 (1) of the statutes is amended to read:

4 227.45 (1) Except as provided in sub. (1m) and ss. 19.52 (3) and 901.05, an
5 agency or hearing examiner shall not be bound by common law or statutory rules of
6 evidence. The agency or hearing examiner shall admit all testimony having
7 reasonable probative value, but shall exclude immaterial, irrelevant or unduly
8 repetitious testimony or evidence that is inadmissible under s. 901.05. The agency
9 or hearing examiner shall give effect to the rules of privilege recognized by law. Basic
10 principles of relevancy, materiality and probative force shall govern the proof of all
11 questions of fact. Objections to evidentiary offers and offers of proof of evidence not
12 admitted may be made and shall be noted in the record.

History: 1975 c. 94 s. 3; 1975 c. 414 ss. 9, 10, 12; Stats. 1975 s. 227.08; 1977 c. 277, 418, 447; 1979 c. 162, 208; 1985 a. 182 s. 33; Stats. 1985 s. 227.45; 1989 a. 139; 1991 a. 269.

13 **SECTION 1g.** 227.45 (1m) of the statutes is created to read:

1 227.45 (1m) ~~In contested cases,~~ other than cases under s. 59.694 or 62.23 (7)
2 (e), an agency or hearing examiner is subject to the provisions of ss. 907.01, 907.02,
3 and 907.03.”

4 2. Page 2, line 1: delete “1” and substitute “1q”.

5

(END)

