



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1277/P2  
MED&AJM:ahe

DOA:.....LeRoy, BB0174 - DHA Electronic Proceedings

**FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**COURTS AND PROCEDURE**

**OTHER COURTS AND PROCEDURE**

Under the general law that governs reviews of agency actions other than rule making, within 30 days after service on an agency of a petition for judicial review of an agency action, or within such further time as the court allows, the agency must transmit to the court the record of the agency's administrative proceeding. Current law allows this record only to be either typewritten or printed. This bill provides that, in the case of a record of an administrative proceeding in the possession of the Division of Hearings and Appeals, if any portion of the record is in the form of an audio or video recording, DHA may transmit a copy of that recording in lieu of preparing a transcript, unless the court orders the preparation of a transcript.

**EMPLOYMENT**

Under current law, the testimony at a hearing held under the worker's compensation law must be taken down by a stenographic reporter or, if there is an emergency, recorded by a recording machine. The bill allows the testimony to be recorded by a recording machine regardless of whether there is an emergency.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 102.15 (3) of the statutes is amended to read:

102.15 (3) All testimony at any hearing held under this chapter shall be taken down by a stenographic reporter, ~~except that in case of an emergency, as determined by the examiner conducting the hearing, testimony may be~~ or recorded by a recording machine.

**SECTION 2.** 227.55 of the statutes is renumbered 227.55 (1) and amended to read:

227.55 (1) Within 30 days after service of the petition for review upon the agency, or within such further time as the court ~~may allow~~ allows, the agency in possession of the record for the decision under review 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~~ except that by stipulation of all parties to the review proceedings the record may be shortened by eliminating any portion ~~thereof~~ of the record. Any party, other than the agency that is a party, refusing to stipulate to limit the record may be taxed by the court for the additional costs. ~~The~~ Except as provided in sub. (2), the record may be typewritten or printed. The exhibits may be typewritten, ~~photostated~~ photocopied, 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.

**SECTION 3.** 227.55 (2) of the statutes is created to read:

227.55 (2) In the case of a record under sub. (1) that is in the possession of the division of hearings and appeals, if any portion of the record is in the form of an audio or video recording, the division may transmit to the reviewing court a copy of that recording in lieu of preparing a transcript, unless the court requests a transcript.

**SECTION 9301. Initial applicability; Administration.**

(1) DIVISION OF HEARINGS AND APPEALS; TRANSCRIPTS. The renumbering and amendment of section 227.55 of the statutes and the creation of section 227.55 (2) of the statutes first apply to petitions for review submitted under section 227.53 of the statutes on the effective date of this subsection.

**SECTION 9351. Initial applicability; Workforce Development.**

(1) WORKER'S COMPENSATION HEARINGS. The treatment of section 102.15 (3) of the statutes first applies to a hearing for which the application was submitted under section 102.17 of the statutes on the effective date of this subsection.

(END)