



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0840/P1
MED:eev:rs

DOA:.....Bong, BB0285 – Allow Division of Hearings and Appeals to provide digital records instead of paper

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

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

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 (DHA), 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.

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

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

SECTION 1. 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 2. 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 applies to petitions for review submitted under section 227.53 of the statutes on the effective date of this subsection.

(END)