



## 2009 SENATE BILL 583

March 2, 2010 - Introduced by Senator RISSER, cosponsored by Representative MOLEPSKE JR.. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

- 1     **AN ACT to amend** 227.53 (1) (a) 2.; and **to create** 227.53 (1) (a) 2m. of the statutes;  
2           **relating to:** the time period to petition to review an administrative decision.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, as interpreted by the Wisconsin Court of Appeals in *Collins v. Policano*, 231 Wis. 2d 420, 605 N.W. 2d 260 (Ct. App. 1999), a person has six months after the date of service of an administrative decision in a noncontested case to seek judicial review of the decision. Currently, a person must appeal an administrative decision in a contested case within 30 days after the date of service of the administrative decision. A contested case is an agency proceeding in which the assertion of a party of a substantial interest is denied or challenged by another party and, after a hearing, a substantial interest of a party is determined or adversely affected by an agency decision or order. All others are noncontested cases.

This bill requires a person to appeal an administrative decision within 30 days after the date of service of the administrative decision in both contested and noncontested cases.

---

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

- 3           **SECTION 1.** 227.53 (1) (a) 2. of the statutes is amended to read:  
4           227.53 (1) (a) 2. Unless a rehearing is requested under s. 227.49, petitions for  
5           review ~~under this paragraph~~ of contested cases shall be served and filed within 30

**SENATE BILL 583****SECTION 1**

1 days after the service of the decision of the agency upon all parties under s. 227.48.  
2 If a rehearing is requested under s. 227.49, any party desiring judicial review under  
3 this subdivision shall serve and file a petition for review within 30 days after service  
4 of the order finally disposing of the application for rehearing, or within 30 days after  
5 the final disposition by operation of law of any such application for rehearing. The  
6 30-day period for serving and filing a petition under this ~~paragraph~~ subdivision  
7 commences on the day after personal service or mailing of the decision by the agency.

8 **SECTION 2.** 227.53 (1) (a) 2m. of the statutes is created to read:

9 227.53 (1) (a) 2m. Petitions for review of cases other than contested cases shall  
10 be served and filed within 30 days after personal service or mailing of the decision  
11 by the agency.

12 **SECTION 3. Initial applicability.**

13 (1) This act first applies to agency decisions made on the effective date of this  
14 subsection.

15 (END)