



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2158/1
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2011 SENATE BILL 117

May 31, 2011 - Introduced by Senators VUKMIR, S. FITZGERALD, ELLIS, ZIPPERER, COWLES, LEIBHAM, MOULTON, GROTHMAN, HOPPER, KEDZIE, DARLING, GALLOWAY, LASEE and WANGGAARD, cosponsored by Representatives KRAMER, J. FITZGERALD, SUDER, STEINEKE, VOS, TIFFANY, LITJENS, AUGUST, FARROW, KUGLITSCH, VAN ROY, NERISON, HONADEL, PETERSEN, KNILANS, NASS, CRAIG, THIESFELDT, T. LARSON, ENDSLEY, SPANBAUER, BERNIER, J. OTT, KNODL, BALLWEG, MURTHA, WYNN, BIES, KOOYENGA, RIVARD, BROOKS, MARKLEIN, PETRYK, KRUG, RIPP, KNUDSON, KAPENGA, LEMAHIEU, KESTELL, LOUDENBECK, MURSAU, MEYER, PRIDEMORE, TAUCHEN, PETROWSKI, STONE, A. OTT, KLENKE, STRACHOTA, WEININGER, STROEBEL, KLEEFISCH, WILLIAMS, TRANEL, JACQUE, KAUFERT and SEVERSON. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT** *to renumber and amend* 752.21; *to amend* 801.50 (3); and *to create*
2 752.21 (2) of the statutes; **relating to:** venue for actions and appeals in which
3 the sole defendant is the state, a state board or commission, or certain state
4 officers, employees, or agents.

Analysis by the Legislative Reference Bureau

Under current law, all actions in which the sole defendant is the state, a state board or commission, or certain state officers, employees, or agents must be brought in Dane County. This bill permits the plaintiff to designate the county within which to bring the action.

Under current law, the state is divided into ten judicial administrative districts; each judicial administrative district is comprised of one or more judicial circuits, or counties, containing branches of the circuit courts. The state is also divided into four court of appeals districts, comprised of one or more judicial circuits. Currently, an appeal of a judgment or order issued by a circuit court must be heard in the court of appeals district within which the circuit court is located. This bill permits the appellant to select the court of appeals district within which to bring the appeal, but the court of appeals district must not contain the circuit court from which the judgment or order was issued.

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For further information see the *state and local* 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:

1 **SECTION 1.** 752.21 of the statutes is renumbered 752.21 (1) and amended to
2 read:

3 752.21 (1) ~~A~~ Except as provided in sub. (2), a judgment or order appealed to
4 the court of appeals shall be heard in the court of appeals district which contains the
5 court from which the judgment or order is appealed.

6 **SECTION 2.** 752.21 (2) of the statutes is created to read:

7 752.21 (2) A judgment or order appealed from an action venued in a county
8 designated by the plaintiff to the action as provided under s. 801.50 (3) shall be heard
9 in a court of appeals district selected by the appellant but the court of appeals district
10 may not be the court of appeals district that contains the court from which the
11 judgment or order is appealed.

12 **SECTION 3.** 801.50 (3) of the statutes is amended to read:

13 801.50 (3) All actions in which the sole defendant is the state, any state board
14 or commission, or any state officer, employee, or agent in an official capacity shall be
15 venued in ~~Dane County~~ the county designated by the plaintiff unless another venue
16 is specifically authorized by law.

17 **SECTION 4. Initial applicability.**

18 (1) This act first applies to actions commenced on the effective date of this
19 subsection.

20

(END)