



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Senate Bill 117**

**Senate Amendment 1**

*Memo published:* July 5, 2011

*Contact:* Anne Sappenfield, Senior Staff Attorney (267-9485)

*Current law* provides that all actions in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent in an official capacity is venued in Dane County, unless another venue is specifically authorized by law. In addition, a judgment or order appealed to the court of appeals must be heard in the court of appeals district which contains the court from which the judgment or order is appealed.

*2011 Senate Bill 117* provides that all actions in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent in an official capacity is venued in the *county designated by the plaintiff*, unless another venue is specifically authorized by law. Further, the bill provides that a judgment or order appealed from such action must be heard in a court of appeals district selected by the appellant but the court of appeals district may not be the court of appeals district that contains the court from which the judgment or order is appealed.

*Senate Amendment 1* retains current law in actions commenced by prisoners, thus providing that an action commenced by a prisoner in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent in an official capacity is venued in Dane County, unless another venue is specifically authorized by law.

### *Legislative History*

Senate Amendment 1 was offered by Senator Zipperer. On June 28, 2011, the Senate Committee on Judiciary, Utilities, Commerce, and Government Operations recommended adoption of the amendment on a vote of Ayes, 5; Noes, 0. The committee then recommended passage of Senate Bill 117, as amended, on a vote of Ayes, 3; Noes, 2.

AS:ty