



2011 SENATE BILL 505

February 22, 2012 – Introduced by Senators HOLPERIN, LASSA and TAYLOR, cosponsored by Representatives BERCEAU, SINICKI, STASKUNAS and TOLES. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

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

Analysis by the Legislative Reference Bureau

2011 Wisconsin Act 61 (Act 61) changed the rules governing venue in a civil action in which the sole defendant is the state, a state board or commission, or certain state officers (action), and in appeals of a judgment or order in such an action. Before the enactment of Act 61, all such actions, with certain exceptions, were required to be brought in Dane County, and appeals of an order or decision in the action were required to be brought in the court of appeals district containing the court from which the judgment or order was appealed. Act 61 provides that an action may be brought in the county designated by the plaintiff, and an appeal of a judgment or order in the action may be brought in a court of appeals district selected by the party appealing the decision or order, but not in the court of appeals district containing the court from which the judgment or order is appealed.

This bill changes the rules governing venue in an action so that an action may be brought in Dane County, the plaintiff's county of residence, or the county in which the plaintiff's principal place of business or registered agent is located, as designated by the plaintiff. The bill also provides that an appeal of a judgment or order in an action must be heard in the court of appeals district which contains the court from which the action was appealed.

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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 (1) of the statutes, as affected by 2011 Wisconsin Act 61, is
2 renumbered 752.21 and amended to read:

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

6 **SECTION 2.** 752.21 (2) of the statutes, as created by 2011 Wisconsin Act 61, is
7 repealed.

8 **SECTION 3.** 801.50 (3) (a) of the statutes, as affected by 2011 Wisconsin Act 61,
9 is amended to read:

10 801.50 **(3)** (a) Except as provided in pars. (b) and (c), all actions in which the
11 sole defendant is the state, any state board or commission, or any state officer,
12 employee, or agent in an official capacity shall be venued in ~~the county~~ Dane County,
13 the plaintiff's county of residence, or the county in which the plaintiff's principal
14 place of business or registered agent is located, as designated by the plaintiff, unless
15 another venue is specifically authorized by law.

16 **SECTION 4.** 801.50 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 61,
17 is amended to read:

18 801.50 **(3)** (b) All actions relating to the validity or ~~invalidly~~ invalidity of a rule
19 shall be venued as provided in s. 227.40 (1).

20 **SECTION 5. Initial applicability.**

