

**SENATE BILL 117 (LRB -2158)**

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

**2011**

05-31. S. 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.**

05-31. S. Read first time and referred to committee on Judiciary, Utilities, Commerce, and Government Operations ..... 312

06-02. S. Public hearing held.

06-27. S. **Senate amendment 1** offered by Senator Zipperer (**LRB a1219**) ..... 364

06-28. S. Executive action taken.

07-06. S. Report adoption of Senate Amendment 1 recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 5, Noes 0 ..... 374

07-06. S. Report passage as amended recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 3, Noes 2 ..... 374

07-06. S. Available for scheduling.

09-19. S. Fiscal estimate received.

10-24. S. Placed on calendar 10-25-2011 pursuant to Senate Rule 18(1) ..... 526

10-25. S. Read a second time ..... 533

10-25. S. Senate amendment 1 to Senate amendment 1 offered by Senators Holperin and Vinehout (**LRB a1765**) ..... 533

10-25. S. Senate amendment 1 to Senate amendment 1 laid on table, Ayes 17, Noes 16 ..... 533

10-25. S. **Senate amendment 1 adopted** ..... 533

10-25. S. Refused to refer to committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 15, Noes 18 ..... 533

10-25. S. Ordered to a third reading ..... 533

10-25. S. Rules suspended ..... 533

10-25. S. Read a third time and **passed**, Ayes 18, Noes 15 ..... 533

10-27. S. Ordered immediately messaged ..... 548

10-28. A. Received from Senate ..... 626

11-01. A. Read first time and referred to committee on Rules ..... 633

11-01. A. Made a special order of business at 11:07 A.M. on 11-03-2011 pursuant to Assembly Resolution 18 ..... 647

11-03. A. Read a second time.

11-03. A. Ordered to a third reading.

11-03. A. Rules suspended.

11-03. A. Read a third time and **concurred in**, Ayes 58, Noes 34, Paired 6.

11-03. A. Ordered immediately messaged.

11-04. S. Received from Assembly concurred in.

**2011  
ENROLLED BILL**

11en S B-117

**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**     

11 - 2158/1

**Amendments to above (if none, write "NONE"):** SAI — a 1219/1

**Corrections - show date (if none, write "NONE"):** NONE

**Topic** Rel

11-4-11  
**Date**

JRMille  
**Enrolling Drafter**



## 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.**

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### ***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.





SENATE AMENDMENT 1,  
TO 2011 SENATE BILL 117

June 27, 2011 - Offered by Senator ZIPPERER.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 8: after "(3)" insert "(a)".

3 2. Page 2, line 12: delete lines 12 to 16 and substitute:

4 SECTION 3g. 801.50 (3) of the statutes, as affected by 2011 Wisconsin Act 21,  
5 is renumbered 801.50 (3) (a) and amended to read:

6 801.50 (3) (a) All Except as provided in this subsection pars. (b) and (c), all  
7 actions in which the sole defendant is the state, any state board or commission, or  
8 any state officer, employee, or agent in an official capacity shall be venued in Dane  
9 County the county designated by the plaintiff unless another venue is specifically  
10 authorized by law.

11 (b) All actions relating to the validity or invalidly of a rule shall be venued as  
12 provided in s. 227.40 (1).

13 SECTION 3r. 801.50 (3) (c) of the statutes is created to read:

SA1-1

SA1-2

1       801.50 (3) (c) An action commenced by a prisoner, as defined under s. 801.02  
2       (7) (a) 2., in which the sole defendant is the state, any state board or commission, or  
3       any state officer, employee, or agent in an official capacity shall be venued in Dane  
4       County unless another venue is specifically authorized by law.”.

5

(END)