

2011 DRAFTING REQUEST

Bill

Received: **05/27/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Leah Vukmir (608) 266-2512**

By/Representing: **Dean Cady**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Vukmir@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Change venue in actions and appeals in which the sole defendant is the state or a state board or officer

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 05/27/2011	jdye 05/27/2011		_____			S&L
/1			mduchek 05/27/2011	_____	lparisi 05/27/2011	sbasford 05/27/2011	

FE Sent For:

at intro
5/31

<END>

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/?	tkuczens	1/5/27 jcd	1/5/27	_____	_____	_____	_____

FE Sent For:

<END>

Kuczenski, Tracy

From: Cady, Dean
Sent: Friday, May 27, 2011 7:19 AM
To: Kuczenski, Tracy
Cc: David, Curt; Sholty, Cameron
Subject: Bill Draft / Senate Companion to AB 156

Hi Tracy, this is deano from Senator Vukmir's office. Leah asked me to check with you to see if it's possible to have a Senate companion to AB 156 drafted for her ready to introduce.

Rep. Kramer's office will be shooting over an Email to you. :)

Thankx a mil Tracy. Let me know if there are any problems.

Have a wonderful weekend!

deano



State of Wisconsin
2011 - 2012 LEGISLATURE

2158/1



LRB-2031/1
TKK(jld&kj)rs

stays

RMNR

5/27/11 Today

2011 ASSEMBLY BILL 156

May 27, 2011 - Introduced 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 and KAUFERT, cosponsored by Senators VUKMIR, S. FITZGERALD, ELLIS, ZIPPERER, COWLES, LEIBHAM, MOULTON, GROTHMAN, HOPPER, KEDZIE, DARLING, GALLOWAY, LASEE and WANGGAARD. Referred to Committee on Judiciary and Ethics.

Regen

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.

ASSEMBLY BILL 156

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)

Basford, Sarah

From: Sen.Vukmir
Sent: Friday, May 27, 2011 11:06 AM
To: LRB.Legal
Subject: ***RUSH***Draft Review: LRB 11-2158/1 Topic: Change venue in actions and appeals in which the sole defendant is the state or a state board or officer

Please make this a rush

Please Jacket LRB 11-2158/1 for the SENATE.