

2017 Au7 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

For: Scott Fitzgerald (608) 266-5660

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By: Tad

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Date: 9/12/2017

May Contact:

Same as LRB:

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Pre Topic:

No specific pre topic given

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Topic:

Eliminate right of immediate appeal to the Wisconsin Supreme Court and substitute expedited court of appeals process

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Instructions:

No specific instructions given

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Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 9/12/2017	wjackson 9/12/2017			
/1			lparisi 9/12/2017	lparisi 9/12/2017	

FE Sent For:

<END>



State of Wisconsin  
2017 - 2018 LEGISLATURE  
August 2017 Special Session

LRBa1210/  
SWB:...

WY  
/L

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE SUBSTITUTE AMENDMENT 1,**  
**TO ASSEMBLY BILL 1**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 35, line 4: delete the material beginning with that line and ending with  
3 page 36, line 6<sup>^</sup> and substitute:

4 “**SECTION 59s.** 808.04 (7p) of the statutes is created to read:

5 808.04 (7p) An appeal from a judgment or order under s. 809.104 shall be  
6 initiated by filing the notice required by s. 809.104 (2) (b) within 30 days after the  
7 date of entry of the judgment or order appealed from.

8 **SECTION 59t.** 809.104 of the statutes is created to read:

9 **809.104 Appeal of decisions relating to electronics and information**  
10 **technology manufacturing zone.** (1) **APPLICABILITY.** This section applies to the  
11 appeal of a judgment or order vacating, enjoining, reviewing, or otherwise relating

1 to a decision by a state or local official, board, commission, condemnor, authority, or  
2 department concerning an electronics and information technology manufacturing  
3 zone designated under s. 238.396 (1m) and supersedes all inconsistent provisions of  
4 this chapter.

5 (2) APPEAL AS OF RIGHT. (a) Notwithstanding s. 808.03 (1), an appeal from a  
6 judgment or order of the trial court vacating, enjoining, reviewing, or otherwise  
7 relating to a decision by a state or local official, board, commission, condemnor,  
8 authority, or department concerning an electronics and information technology  
9 manufacturing zone designated under s. 238.396 (1m) may be taken to as a matter  
10 of right and is governed by this section.

11 (b) A party may initiate an appeal under this section by filing a notice of appeal  
12 with the clerk of the trial court in which the order or judgment appealed from was  
13 entered and shall specify in the notice of appeal the order or judgment appealed from.  
14 The appellant shall pay the filing fee with the notice of appeal. The clerk of the circuit  
15 court shall transmit to the court of appeals, within 3 days of the filing of the notice  
16 of appeal, a copy of the notice of appeal, the filing fee, and a copy of the circuit court  
17 record of the case maintained under s. 59.40 (2) (b) or (c). The clerk of the court of  
18 appeals shall file the appeal upon receipt of the items referred to in this paragraph.

19 (c) The appellant shall request a copy of the transcript of the reporter's notes  
20 of the proceedings for each of the parties to the appeal and make arrangements to  
21 pay for the transcript and copies within 5 days after the filing of the notice of appeal  
22 under par. (b).

23 (d) The appellant shall file a statement on transcript with the clerk of the court  
24 of appeals, shall file a copy of the statement on transcript with the clerk of the circuit  
25 court, and shall serve a copy of the statement on transcript on the other parties to

1 the appeal within 5 days after the filing of the notice of appeal in the circuit court  
2 under par. (b). The statement on transcript shall either designate the portions of the  
3 transcript that have been requested by the appellant or contain a statement by the  
4 appellant that a transcript is not necessary for prosecution of the appeal. If a  
5 transcript is necessary for prosecution of the appeal, the statement on transcript  
6 shall also contain a statement by the court reporter that the appellant has requested  
7 copies of the transcript or designated portions thereof for each of the other parties;  
8 that the appellant has made arrangements to pay for the original transcript and for  
9 all copies for the other parties; the date on which the appellant requested the  
10 transcript and made arrangements to pay for it; and the date on which the transcript  
11 must be served on the parties.

12 (e) The court reporter shall serve copies of the transcript on the parties  
13 indicated in the statement on transcript within 5 days after the date the appellant  
14 requested copies of the transcript under par. (c).

15 (f) Subsequent proceedings in the appeal are governed by the procedures for  
16 civil appeals and the procedures under subch. VI, except as follows:

17 1. The appellant shall file a brief within 15 days after the filing of the record  
18 on appeal.

19 2. The respondent shall file a brief within 10 days after the service of the  
20 appellant's brief.

21 3. The appellant shall file within 10 days after the service of the respondent's  
22 brief a reply brief or statement that a reply brief will not be filed.

23 4. Within 3 days of receipt of the appellant's reply brief or statement that a reply  
24 brief will not be filed under subd. 3., the court of appeals shall certify the appeal to  
25 the supreme court under s. 809.61.

