



2023 ASSEMBLY BILL 128

March 24, 2023 - Introduced by Representatives STEFFEN, ALLEN, ARMSTRONG, BEHNKE, DONOVAN, EDMING, HURD, KITCHENS, MACCO, MOSES, MURPHY, RETTINGER, ROZAR and SORTWELL, cosponsored by Senators JAMES, COWLES, MARKLEIN, QUINN and STROEBEL. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 751.037 and 801.50 (4r) of the statutes; **relating to:** venue for
2 actions in which the legislature is a party.

Analysis by the Legislative Reference Bureau

This bill provides that when the legislature is a party to an action, the Wisconsin Supreme Court will assign venue at random. Under the bill, if an action is filed in which the legislature is a party, the clerk of courts for the county in which that action has been filed must notify the clerk of the supreme court within five days. Upon receipt of the notice, the supreme court must select at random a judicial circuit and then assign that circuit as the venue for the case. The clerk of the supreme court must then notify both the clerk of courts for the county in which the case was initially filed and the clerk of courts for the county where the action is assigned, and the case will be treated as if it was filed in the judicial circuit assigned by the supreme court. Under the bill, neither a court, acting on its own, nor a party may move for a change of venue once the case has been assigned to a judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 751.037 of the statutes is created to read:
4 **751.037 Assignment when the legislature is a party.** (1) Upon receiving
5 notice under s. 801.50 (4r), the supreme court shall select at random a judicial circuit

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1 and assign that circuit as the venue for the matter indicated in the notice. The clerk
2 of the supreme court shall notify the clerk of courts for the county where the action
3 indicated in the notice was initially filed and the clerk of courts for the county where
4 the action has been assigned under this section, and the action shall be treated as
5 if it was filed in the judicial circuit assigned by the supreme court.

6 (2) Notwithstanding s. 801.52, neither a court, upon its own motion, nor a party
7 may move for a change of venue after the case has been assigned under this section.

8 **SECTION 2.** 801.50 (4r) of the statutes is created to read:

9 801.50 (4r) In any action in which the legislature is a party, venue shall be as
10 provided in s. 751.037. Not more than 5 days after an action in which the legislature
11 is a party is filed, the clerk of courts for the county where the action is filed shall notify
12 the clerk of the supreme court of the filing.

13 (END)