

1981 Senate Bill 716

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CHAPTER 353 , Laws of 1981

AN ACT to repeal 20.923 (7) and (7m), 48.299 (2), 753.18, 757.57 (3) and (8) and 799.23; to renumber 753.016 (2) (a); to amend 108.02 (22), 751.02, 753.07 (1) and 757.02 (5); and to repeal and recreate 757.55 and 757.57 (2) and (5) of the statutes, relating to court reporters, reporting and judges.

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

SECTION 1. 20.923 (7), and (7m), as affected by chapter 96, laws of 1981, of the statutes are repealed.

SECTION 2. 48.299 (2) of the statutes is repealed.

SECTION 3. 108.02 (22) of the statutes is amended to read:

108.02 (22) SELF-EMPLOYMENT. An individual ~~shall be~~ is deemed to be "self-employed" if ~~he is~~ engaged (not in the employ of another) in a business or enterprise which ~~he or she~~ has undertaken for the purpose of producing a substantial part of his or her gross income. A court reporter is deemed to be "self-employed" if he or she is compensated on a per diem basis.

SECTION 4. 751.02 of the statutes is amended to read:

751.02 Employees. The supreme court may ~~appoint~~ authorize the employes it considers necessary for the execution of the functions of the supreme court and the court of appeals and the court reporting functions of the circuit courts and may designate titles, prescribe duties and fix compensation. Compensation and benefits of employes should be consistent with that paid to state employes in the classified service for services involving similar work and responsibility. Each justice and court of appeals judge may appoint and prescribe the duties of a secretary and a law clerk to assist the justice or judge in the performance of his or her duties. Each circuit judge may appoint a court reporter to serve in the court or branch of court to which he or she was elected or appointed if the reporter is certified as qualified by the director of state courts. A person appointed by the supreme court or a justice or court of appeals judge or a circuit judge serves at the pleasure of the court or the justice or judge.

SECTION 5. 753.016 (2) (a) of the statutes is renumbered 753.016 (2).

SECTION 6. 753.07 (1) of the statutes, as affected by chapter 96, laws of 1981, is amended to read:

753.07 (1) JUDGES AND COURT REPORTERS. Persons serving as county court judges in this state on July 31, 1978, shall be denominated circuit court judges as provided in chapter 449, laws of 1977, section 491. Persons serving as county court reporters in this state on July 31, 1978, shall be circuit court reporters on August 1, 1978. Persons serving as assistant county court reporters for a court of record, authorized as full-time employes by a county board of supervisors and not paid on a per diem basis and who were employed in that capacity on February 1, 1978, shall be circuit court reporters on August 1, 1978. On August 1, 1978, and thereafter, all circuit court judges, ~~circuit court reporters and assistant circuit court reporters~~ in this state shall receive compensation under ss. s. 20.923 and 753.18, and as state employes shall be subject to chs. 40 and 230, except as otherwise provided in this section.

SECTION 7. 753.18 of the statutes is repealed.

SECTION 8. 757.02 (5) of the statutes, as affected by chapter 96, laws of 1981, is amended to read:

757.02 (5) Except for retired judges appointed under s. 753.075, each supreme court justice, court of appeals judge and circuit court judge, ~~county court judge and circuit and county court reporter~~ included under ch. 40 shall accrue sick leave at the rate established under s. 230.35 (2) for the purpose of credits under s. 40.05 (4) (b) and for premium payment determinations under ss. s. 40.05 (4) and (5).

SECTION 9. 757.55 of the statutes, as affected by supreme court order dated December 11, 1979, effective January 1, 1980, is repealed and recreated to read:

757.55 Reporting testimony. The supreme court shall determine, by rule, the civil and criminal actions and proceedings which shall be reported.

SECTION 10. 757.57 (2) and (5) of the statutes, as affected by supreme court order dated December 11, 1979, effective January 1, 1980, are repealed and recreated to read:

757.57 (2) In any criminal action or proceeding the court may order, and when required by s. 973.08 the court shall order, a transcript of the testimony and proceedings to be made and certified by the reporter and filed with the clerk of court. Certified duplicates of transcripts prepared in compliance with s. 973.08 shall be filed with the warden or superintendent of the institution to which sentenced persons have been committed. The cost of such transcript, at the rate of 50 cents per 25-line page for the original and 15 cents per 25-line page for the duplicate, shall be paid for by the county treasurer upon the certificate of the clerk of court. In case of application for a pardon or commutation of sentence the duplicate transcript shall accompany the application.

(5) Except as provided in sub. (4), every reporter, upon the request of any party to an action or proceeding, shall make a typewritten transcript, and as many copies thereof as the party requests, of the testimony and proceedings reported by him or her in the action or proceeding, or any part thereof specified by the party, the transcript and each copy thereof to be duly certified by him or her to be a correct transcript thereof. For the transcripts the reporter shall be entitled to receive fees from the party requesting the transcripts, at the rate of 60 cents per 25-line page for the original and 20 cents per 25-line page for each copy.

SECTION 11. 757.57 (3) and (8) of the statutes, as affected by supreme court order dated December 11, 1979, effective January 1, 1980, are repealed.

SECTION 12. 799.23 of the statutes is repealed.

SECTION 13. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
753.07 (2)(a) and (3)(a)	20.923 and 230.12	230.12 and 751.02
