

CHAPTER 392

AN ACT to amend chapter 11, laws of 1955, sections 1 (1) and (5), 8 and 11, relating to court costs, reporters' fees, and fees of person called in to act as judge, in the county court of Pierce county.

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

Chapter 11, laws of 1955, sections 1 (1) and (5), 8 and 11, are amended to read:

(Chapter 11, laws of 1955) SECTION 1. (1) The county court of Pierce county and the judge thereof shall take cognizance of and have jurisdiction to hear, try and determine all actions and proceedings at law, except actions wherein the title to real property shall come in question, wherein the claim, debt, damage, penalty or forfeiture shall not exceed the sum of \$2,500; actions to recover the possession of personal property with damages for the unlawful taking or detention thereof wherein the value of the property claimed shall not exceed the sum of \$2,500; actions arising under chapter 291 of the statutes when the amount claimed shall not exceed \$2,500; actions for forfeitures and actions for breach of any recognizance given in the court under the jurisdiction conferred by this act; all charges for criminal offenses arising within the county which are * * * *misdemeanors*; and all offenses arising under the charter and ordinances of the county and of all cities, towns and villages within the county.

(5) The county court of Pierce county *is a court of record and shall be a court of general jurisdiction and when designated pursuant to law as the juvenile court, shall have the jurisdiction over all cases of neglected, dependent and delinquent children and all powers and authority conferred by law upon juvenile courts in this state.*

SECTION 8. (1) In case of sickness, absence or temporary disability of the judge of the court, he may, by an order in writing, filed in his court, appoint any county judge * * * or a court commissioner * * * of Pierce county, to discharge the duties of the office conferred by this act during such sickness, absence or disability, and the person so appointed shall have the powers of judge conferred by this act while administering the office.

(2) No action, examination or other proceedings shall be removed from the court except as hereinafter provided; if prior to joining issue in any case and prior to any examination or other proceeding it shall appear by affidavit that the judge is a material witness or is in any way related to either of the parties, or from prejudice he will not decide impartially in the matter, the judge shall notify a county judge * * * or a court commissioner * * * in Pierce county not disqualified to hear the examination, trial or other proceeding, whereupon it shall be the duty of the judge * * * or court commissioner * * * notified to forthwith appear at the courtroom of the county court of Pierce county and discharge the duties of the judge of the court on the trial of the case or the hearing of the examination or other proceeding as the case may be, with like effect as the county judge would if not disqualified to act.

(3) Any person so called in and acting for the county judge shall receive as full compensation therefor * * * \$25 for each day actually and necessarily spent in performance of the duties of the judge of the county court under the additional jurisdiction conferred by this act, regardless of how many matters he may hear or determine, and his expenses of travel and meals, and shall be paid therefor out of the treasury of Pierce county upon certificate of the county judge.

SECTION 11. The county judge may appoint a phonographic reporter, skilled in the art of shorthand reporting, for the court and may remove him at pleasure and appoint another in his place. Every person so appointed shall be deemed an officer of the court and shall, before entering upon the duties of his office, take and subscribe the constitutional oath, and file the same duly certified with the clerk of the circuit court of Pierce county. The reporter shall attend the county court whenever requested by the county judge and perform such duties as the county judge may require. It shall be the duty of the reporter, when requested by the county judge, to take and transcribe all testimony given or taken before the court or the judge thereof in any and all actions, hearings, examinations or proceedings pending or being tried, determined or disposed of before the court or the judge thereof, under this act or under any other law of this state. It shall be the duty of the reporter to assist the county judge in recording, copying, comparing, filing and indexing all records of all actions, hearings, examinations or proceedings before the court or the judge thereof under this act or under any other law of this state. In all matters heard or determined by the county court, under the provisions of this act, the reporter's shorthand notes shall be filed in lieu of the minutes of testimony required by law to be taken by justices of the peace in like proceedings; provided, that in case of appeal in civil actions, the reporter when requested by either party shall file a transcribed copy of his shorthand notes, which shall be returned as the testimony in the case; and the fees for transcribing the testimony * * * shall be taxed as part of the costs in the circuit court. In criminal cases tried before the county court, which are appealed to the circuit court, a transcribed copy of the reporter's notes shall, upon the request of either the district attorney or the defendant, be certified with the record to the circuit court as the testimony in the case, and, in case of conviction of the defendant in the circuit court, the cost of such transcript * * * may be taxed *against the defendant* with the other taxable costs in the case and shall belong to the county. *Section 253.19 of the statutes shall apply and the reporter shall be paid when such transcript is requested and prepared.* In preliminary examinations held and conducted before the county court or the judge thereof, when the defendant is held for trial in the circuit court, a transcribed copy of the reporter's notes shall be transmitted with the record to the circuit court as the testimony in the case, and in case the defendant is convicted in the circuit court and costs are taxed against him, then the costs of such transcript shall be taxed in the circuit court with the other taxable costs in the case at the same rate as on return in like cases from other magistrates. *Section 253.19 of the statutes shall apply and the reporter shall be paid when such transcript is requested and prepared.* The reporter shall receive the salary fixed by the county board of the county, to be paid monthly out of the county treasury as the salaries of other county officers are paid. In all contested cases, except in preliminary examinations, a reporter's fee at the rate of * * * \$10 per day for the time actually consumed on the trial shall be taxed as part of the costs in the case, and shall be in lieu of the fees allowed by law to justices of the peace for taking testimony. Such reporter's fees and all fees for transcribing testimony in civil actions appealed to the circuit court *and appealed criminal cases and preliminary examinations* shall be paid over to the reporter, and shall be in addition to his salary. Section 327.11 of the statutes shall apply to transcribed copies of the testimony and proceedings taken by the reporter under this act in the county court. *The county court may appoint a reporter who is not a county employe, on a case to case basis, who shall be compensated at regular court reporter rates plus transcript fees as provided in section 252.20 of the statutes.*

Approved July 20, 1957.