

No. 164, S.]

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CHAPTER 92

AN ACT to amend 59.46 (1); and to create 59.455 and 59.456 of the statutes, relating to assistants to the district attorney and the office and duties of corporation counsel in populous counties.

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

SECTION 1. 59.455 and 59.456 of the statutes are created to read:

59.455 CORPORATION COUNSEL IN SPECIAL COUNTIES. In counties having a population of 500,000 or more there is created the office of corporation counsel, and such assistant corporation counsels, assistants, stenographers and clerks at such salaries as are authorized by the county board of supervisors. The corporation counsel and such assistant corporation counsels shall be attorneys-at-law licensed to practice in Wisconsin. All of such offices and positions shall be included in the classified civil service of said county. The corporation counsel shall be chosen by the county board from names certified under civil service rules. Assistant corporation counsels, assistants and clerical and stenographic help in said office shall be appointed, under civil service, by the corporation counsel. Assistant corporation counsels shall have, according to their rank and seniority, the powers and duties of the corporation counsel in his absence or disability. The corporation counsel and assistant corporation counsel shall take and file the constitutional oath of office. All persons now occupying in any county the position of corporation counsel and assistant corporation counsels, as well as assistants, stenographers and clerks in said office, by virtue of regular appointment under civil service, who have been in the employ of such county for one year or more prior to the effective date of this section (1957) or who have been in the employ of the county less than one year but by virtue of civil service examination received appointment, shall retain such offices and positions and be deemed regularly appointed thereto under this section and subject to suspension, demotion or discharge under the civil service laws, ordinances and rules and regulations applicable in the county.

59.456 CORPORATION COUNSEL IN SPECIAL COUNTIES; DUTIES. The duties of the corporation counsel and assistant corporation counsels shall be, without restriction because of enumeration, to:

(1) Prosecute and defend all civil actions, proceedings, applications and motions in any court, commission, board, tribunal or body in any jurisdiction of this or other states or of the nation in which his county or any board, commission, committee or officer thereof is interested or a party by virtue of such office; and shall in like manner represent or assist in representing the state, or any commission, board, agency or tribunal of the state, in such civil actions or proceedings when requested to do so by the attorney general or when the district attorney of said county is required by any statute to do so.

(2) Give advice to the county board, county park commission, county board of public welfare, expressway commission and other boards, commissions, committees, agencies or officers of his county, when requested, in all civil matters in which the county or state is interested or relating to the discharge of the official duties of such board or officers; examine all claims against the county for officers', interpreters', witnesses' and jurors' fees in civil actions and examinations, when presented to the county board, and report in writing thereto as to the liability of the county for any and all claims of whatever nature filed against it; and act as legislative counsel for the county board when so authorized by it.

(3) Serve as legal advisor to the county highway commissioner and county highway committee and draw all papers required in the performance of their duties and attend to all civil legal matters in and out of court where such commissioner or committee is a party or wherein the acquisition of lands for state or county highway purposes is concerned.

(4) When requested, represent the assessor of incomes, before meetings of the county boards of review and on appeals from decisions of such board.

(5) Perform all duties in connection with civil matters relating to his county or any agency, board, commission or officer thereof or to the state within said county now or hereafter imposed by any statute upon the district attorney of such county and for such purposes the term "district attorney" wherever it appears in the statutes relating to duties of a civil nature shall, with regard to counties containing a population of 500,000 or more, mean the corporation counsel. Opinions of the corporation counsel shall have the same force and effect as opinions of the district attorney except that in matters relating to elections the district attorney shall have the right of review. After the effective date of this section the district attorney's powers and duties as to civil matters shall cease to the extent that they are herein or hereafter conferred upon the corporation counsel and the district attorney shall be relieved of the responsibility of performing such duties. The corporation counsel may request the attorney general to consult and advise with him in the same manner as district attorneys under s. 14.53 (3).

SECTION 2. 59.46 (1) of the statutes is amended to read:

59.46 (1) The district attorney of any county * * * *having a population of 200,000 * * * or more* may appoint 2 deputy district attorneys * * * and such assistants as may be authorized by the county board. The * * * deputies according to rank * * * shall have authority to perform all the duties of the district attorney, under his direction, and in the absence or disability of the district attorney * * *, such deputies, according to rank, * * * may do and perform all the acts required by law to be performed by the district attorney. Such deputies shall each have practiced law in this state at least 2 years prior to such appointment, and shall hold office during the pleasure of the district attorney. Such assistants, when appointed, shall have full authority to perform all the duties of the

district attorney, under his direction. The district attorney of such county may when he deems necessary appoint such temporary counsel as may be authorized by the county board.

Approved May 14, 1957.
