

Nov. 1977 Spec. Sess.  
Senate Bill I

Date published: December 1, 1977

**CHAPTER 187, Laws of 1977**  
(Vetoed in Part)

AN ACT to repeal 17.19 (2) (a) and (b), 51.20 (16) (d) to (f), 51.45 (13) (q) 3 and 4, 247.39, 251.02 to 251.07, 251.11, 251.16, 251.17, 251.21 to 251.23, 299.26, chapter 817, 974.03, 974.04 and title XXIV (title); to renumber 20.923 (2) (a) 4 to 11, chapter 250, chapter 251 (title), 251.15, 251.181, 251.182, 251.19, 251.20, 251.235 to 251.71, 251.73 to 251.93, chapters 252 to 257 and title XLII; to renumber and amend 17.19 (2) (intro.), 251.01, 251.08 to 251.10, 251.12, 251.14, 251.18, 251.72, 251.94 and 973.08; to amend 5.02 (7) (b), 5.58 (2), 5.60 (1) (b), 7.60 (4) (a) and (5), 7.70 (3) (d), 8.10 (3) (b) and (6) (a), 8.11 (3), 8.50 (4) (f), 11.01 (20), 11.26 (2) (a), 11.31 (1) (g) 1 (intro.), 13.03, 13.83 (4) (title) and (a), 17.01 (4), 17.026 (1) to (3), 19.01 (4) (a), 19.25, 20.923 (3), 23.83 (1) and (3), 25.50 (1) (d), 29.595 (2) (b), 35.28, 40.11 (2) (a) 2, 41.02 (14) and (23), 41.07 (2) (am) 2, 41.11 (2) and (6) (d) 3. b, 48.47, 49.11 (7) (c), 51.20 (16) (a), 51.67, 52.10 (34) (a), 59.28 (21), 59.42 (3), 59.47 (7), 62.075 (4), 66.017 (title), (1), (2) and (4), 66.023 (2), 66.027, 66.05 (8) (c), 66.054 (14) (b), 66.435 (4) (b), 66.945 (14) (d) 2, 73.015 (2), 74.11 (5) to (8), 87.16, 102.23 (1) (intro.), 102.25 (1), 111.07 (8), 117.01 (1) (d) 6, 117.03 (5), 144.07 (3) (b) and (4) (f), 165.25 (1), 176.052, 176.121 (2), 186.29 (5), 196.49 (6), 227.024 (6), 227.15, 227.16 (1) (a), 227.26, 292.01 (3), 292.03, 294.05, 299.25 (10) (intro.), 300.10 (4), 300.16, 343.40, 344.03, 345.50 (1) and (3), 442.12 (5), 631.85; 751.236 (1), 751.237 (1), 751.238 (1) and (3), 751.239 (2) and (3) (intro.) and (e), 751.24, 751.241 (1), 751.242 (2), 751.36, 751.38 (2), 751.43, 751.49, 751.71, 753.03, 753.04, 753.075 (1) and (3), 753.12, 753.14 (1), 753.15 (2) to (8) and (10), 753.152 (2), 753.16, 753.17 (7), (8) and (21), 753.18 (1) (a), 754.015 (1), (2) and (5), 754.07 (1) (intro.), 754.08 (1), (3) and (4), 754.145, 754.16 (4), 754.18 (3), 754.31 (1), 754.32 (1) and (9), 754.33 (1) (a), 754.34 (2) (a) and (3), 754.344, 754.345, 754.35 (3) to (5), 754.36, 754.40, 755.03, 755.04, 755.05, 755.08, 755.09, 755.14 (1) (intro.), 755.15, 755.16, 756.03 (4), 756.031, 756.041, 756.05, 756.08, 756.09, 756.13 (2) and (3), 756.14, 756.16, 756.20, 756.21, 756.23, 756.24, 757.02 (1) and (2), 757.025, 757.14, 757.19 (1), 757.22 (1), (2) and (3), 757.23, 757.26, 757.27 (1) and (3), 757.28 (1) (a) and (b), (2) and (3), 757.285 (3), 757.287 (1), (2) and (3) (a) and (e), 757.29 (2), 757.293 (1) and (2), 757.30 (1) to (3), 757.36, 757.37, 757.40, 757.46, 757.48 (1) and (3), 757.49, 757.57 (5) and (6), 757.58 (2), 757.66, 757.68 (1), (2) and (3) (a) and (b) 1 and 2, 758.13 (1) and (3) (a) to (c), 758.15, 758.17 (1) and (3), 758.19 (4), (7) and (8), 758.27 (2), 758.29 (1) and (2) (a), 758.31, 758.35 and 758.37, all as renumbered; 801.50 (9), 806.05 (5), 806.09 (2), 806.16, 823.02, 879.27 (1), (2), (3) and (5), 880.33 (2) (a), 902.03 (1) (intro.) and (2), 969.01 (2) (d), 974.05 (1) (intro.), (a) and (b) and (2) and 974.06 (1); to repeal and recreate 299.30, 974.01 and 974.02; and to create 8.10 (3) (am), 11.31 (1) (dm) and (g) 1. d, 16.08 (2) (i), 17.17 (4), 20.660, 20.923 (2) (a) 4, 751.02, 751.08, chapter 752, chapter 808, 973.08 (2) and title XLII-N (title) of the statutes, relating to the implementation of a court of appeals and making appropriations.

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

SECTION 1. 5.02 (7) (b) of the statutes is amended to read:

5.02 (7) (b) "Judge" means a court of appeals judge or a judge of a circuit or county court.

SECTION 2. 5.58 (2) of the statutes, as affected by chapter .... (Senate Bill 91), laws of 1977, is amended to read:

5.58 (2) JUDICIARY; STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; COUNTY EXECUTIVE; AND COUNTY SUPERVISORS. (a) There shall be one separate ballot for state superintendent, judicial officers, county executive under ss. 59.031 and 59.032 and county supervisors. In counties over 500,000 population the ballot also shall include those offices under ss. 8.11 (2) and (2m). The arrangement of names for state superintendent, justices, court of appeals judge, circuit court judge, and for county judge where the district comprises more than one county, shall be determined by the board under s. 5.60. Arrangement of judicial candidates, county executive and county supervisors within a county shall be arranged by the county clerk, or by the executive secretary of the county election commission under s. 5.60. The ballot shall be in substantially the same form as annexed ballot "E" but titled, "Official Ballot for Judicial, State Superintendent of Public Instruction, County Executive and County Supervisor Primary", except that in counties having a population of 500,000 or more, it shall be titled "Official Ballot for County Officers, Judicial, State Superintendent of Public Instruction and School Board Primary".

(b) The candidates for the offices shall be designated on the ballot as follows: "For Justice of the Supreme Court", "For State Superintendent", "For Court of Appeals Judge", "For Circuit Judge Br. ....", "For County Judge Br. ....", and others as the situation requires.

SECTION 3. 5.60 (1) (b) of the statutes is amended to read:

5.60 (1) (b) The board shall certify the candidates' names and designate the official ballot arrangement for candidates for supreme court justice, court of appeals judge, circuit court judge, county judge when the district comprises more than one county and state superintendent. The arrangement of names of all candidates on the ballot whose nomination papers are filed with the board shall be determined by the board by the drawing of lots on the day following the deadline for filing nomination papers.

SECTION 4. 7.60 (4) (a) and (5) of the statutes are amended to read:

7.60 (4) (a) The board of canvassers shall make separate duplicate statements for the president and vice president; the state officials; the ~~United States~~ U.S. senators and representatives in congress; the state legislators; the supreme court justices; court of appeals judges; circuit judges; and county judges where the district consists of more than one county. Each statement shall state in numbers written out the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; and the number of votes cast for each. One statement shall be used to report to the elections board under sub. (5) and the other statement shall be filed in the office of the county clerk.

(5) REPORTING. Immediately following the canvass the county clerk shall send the elections board, by registered mail, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, candidates for the state legislature, supreme court justice, court of appeals judge, circuit judge, and county judge if the district consists of more than one county. Following primaries the county clerk shall enclose on blanks furnished by the elections board, the names, party designation, if any, and number of votes received by each candidate by voting wards.

SECTION 5. 7.70 (3) (d) of the statutes is amended to read:

7.70 (3) (d) When the certified statements and returns are received, the board of state canvassers shall proceed to examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president; a statement for each of the offices of governor, lieutenant governor, if a primary, and a joint statement for the offices of governor and lieutenant governor, if a general election; a statement for each of the offices of secretary of state, treasurer, attorney general, state superintendent or any other state office; for U.S. senator; for

representative in congress for each congressional district; for the state legislature; supreme court justice; court of appeals judgeship; circuit judge; county judge when the district consists of more than one county; and any referenda questions submitted by the legislature.

SECTION 6. 8.10 (3) (am) of the statutes is created to read:

8.10 (3) (am) For court of appeals judges, not less than 1,000 nor more than 2,000 electors;

SECTION 7. 8.10 (3) (b) and (6) (a) of the statutes are amended to read:

8.10 (3) (b) For judicial offices not specified in pars. (a), (am) and (c), not less than 200 nor more than 400 electors; ~~except as provided in par. (e);~~

(6) (a) For statewide offices, court of appeals judgeships, circuit judgeships, and for county judgeships when the district comprises more than one county, in the office of the board.

SECTION 8. 8.11 (3) of the statutes is amended to read:

8.11 (3) STATE. A primary shall be held when there are 3 or more candidates for state superintendent, supreme court justice, for court of appeals judge in the same district or for judge of the same branch of circuit or county court.

SECTION 9. 8.50 (4) (f) of the statutes is amended to read:

8.50 (4) (f) A vacancy in the office of judge or justice occurring on or before December 31 shall be filled, if ~~a~~ in the office of county or circuit judge, at the succeeding spring election; if in the office of court of appeals judge, at the first spring election when no other court of appeals judge is to be elected from the same court of appeals district; or, if ~~a~~ in the office of justice, at the first judicial spring election when no other justice is to be elected. A vacancy in the office of county or circuit judge occurring after December 31 shall be filled at the judicial spring election the next year. ~~A vacancy in the office of justice shall be filled at the next judicial election if no other justice is to be elected; in the office of court of appeals judge, at the first spring election, beginning with the spring election the next year, when no other court of appeals judge is to be elected from the same court of appeals district; or in the office of justice, at the first spring election, beginning with the spring election the next year, when no other justice is to be elected.~~

SECTION 11. 11.01 (20) of the statutes is amended to read:

11.01 (20) "State office" means the offices of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, justice of the supreme court, court of appeals judge, circuit court judge, state senator and state representative to the assembly.

SECTION 12. 11.26 (2) (a) of the statutes, as affected by chapter 107, laws of 1977, is amended to read:

11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, court of appeals judge and justice of the supreme court, 4% of the value of the disbursement level specified in the schedule under s. 11.31 (1).

SECTION 13. 11.31 (1) (dm) of the statutes is created to read:

11.31 (1) (dm) Candidates for court of appeals judge, \$15,000 in the primary, and \$25,000 in the election.

SECTION 14. 11.31 (1) (g) 1 (intro.) of the statutes is amended to read:

11.31 (1) (g) 1 (intro.) For the following ~~county~~ countywide offices:

SECTION 15. 11.31 (1) (g) 1. d of the statutes is created to read:

11.31 (1) (g) 1. d. Candidates for county and circuit judge, \$15,000 in the primary, and \$25,000 in the election.

SECTION 16. 13.03 of the statutes is amended to read:

**13.03 Oaths of members.** The speaker of the assembly, president of the senate, governor, secretary of state, attorney general, any court of record or the clerk thereof, any court of appeals judge or any justice of the supreme court may administer the oath of office to the members and officers of the legislature. ~~Such~~ The oath shall be filed with the secretary of state.

SECTION 17. 13.83 (4) (title) and (a) of the statutes are amended to read:

13.83 (4) (title) JUDICIARY COMMITTEE; STATUTES AFFECTED BY APPELLATE COURT DECISION.

(a) The judiciary committee shall make recommendations regarding those statutes which the state supreme court in ~~its opinions has stated~~ an opinion states are in conflict or ambiguous or unconstitutional or that a particular proposal for change is a legislative matter. The committee shall make recommendations concerning those statutes which the court of appeals in an opinion states are in conflict, ambiguous or unconstitutional, unless the decision is reversed or the supreme court disagrees with the finding or statement of the court of appeals relating to the statutes.

SECTION 18. 16.08 (2) (i) of the statutes is created to read:

16.08 (2) (i) The judges, clerks and other assistants and employes of the court of appeals.

SECTION 19. 17.01 (4) of the statutes is amended to read:

17.01 (4) By the justices of the supreme court, court of appeals judges, circuit and county judges, to the governor.

SECTION 20. 17.026 (1) of the statutes is amended to read:

17.026 (1) Whenever a court of appeals judge or a judge of a circuit or county court is found incapable of performing, or materially impaired in ability to perform, the duties of the office, by reason of physical or mental infirmity, a temporary vacancy exists. The determination that a temporary vacancy exists shall be made by the judicial commission.

SECTION 21. 17.026 (2) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

17.026 (2) The supreme court shall establish the procedure to be used in determining whether a temporary vacancy exists, including provisions for convening by voluntary and involuntary petition and for determining that a temporary vacancy no longer exists. When a temporary vacancy is found to exist, the incumbent judge shall continue to receive the salary and other benefits to which entitled, and the person appointed to serve temporarily shall for the period of temporary service receive salary and other benefits computed at the rate of the incumbent judge's salary as specified in s. 20.923 (2) (a) 2 ~~or~~ 3 ~~or~~ 4, and benefits, to be vouchered against the appropriation under s. 20.625 (1). The person appointed shall not receive county supplements paid as provided in ss. ~~252.016~~ 753.016 (2), ~~252.071~~ 753.071 and ~~253.07~~ 754.07 (2).

SECTION 22. 17.026 (3) of the statutes is amended to read:

17.026 (3) When the temporary vacancy exists in the office of court of appeals judge or circuit court judge, the duties of the office shall be assumed by a reserve judge appointed under section 24 of article VII of the constitution. If no reserve judge is available, the duties of the office shall be assumed by an acting court of appeals judge or circuit court judge appointed by the governor.

SECTION 23. 17.17 (4) of the statutes is created to read:

17.17 (4) JUSTICES AND JUDGES. (a) In the office of county judge, if the office vacated does not serve more than one county, by the administrative director of courts to the governor and the county clerk or board of election commissioners.

(b) In the office of justice of the supreme court or judge of any court of record, except as provided in par. (a), by the administrative director of courts to the governor and the elections board.

SECTION 24. 17.19 (2) (intro.) of the statutes is renumbered 17.19 (2) and amended to read:

17.19 (2) JUDICIAL. In the office of justice of the supreme court, court of appeals judge or judge of the circuit court, by temporary appointment by the governor, which shall continue until a successor is elected, as provided in s. 8.50 (4) (f), and qualifies. When so elected ~~such the~~ successor shall hold ~~his the~~ office for a full term and shall take office ~~as follows: on August 1 next succeeding the election.~~

SECTION 25. 17.19 (2) (a) and (b) of the statutes are repealed.

SECTION 26. 19.01 (4) (a) of the statutes is amended to read:

19.01 (4) (a) In the office of the secretary of state: Of all members and officers of the legislature; of the governor, lieutenant governor and state superintendent; of the justices, reporter and clerk of the supreme court; of the judges of the court of appeals; of the judges and reporters of the circuit and county courts; of all notaries public; of every officer, except the secretary of state, state treasurer and attorney general, whose compensation is paid in whole or in part out of the state treasury, including every member or appointee of a board or commission whose compensation is so paid; and of every deputy or assistant of an officer who files with the secretary of state;

SECTION 27. 19.25 of the statutes is amended to read:

**19.25 State officers may require searches, etc., without fees.** The secretary of state, treasurer and attorney general, respectively, are authorized to require searches in the respective offices of each other and in the offices of the clerk of the supreme court, of the court of appeals, of the several circuit courts, of the county courts or registers of deeds for any papers, records or documents necessary to the discharge of the duties of their respective offices, and to require copies thereof and extracts therefrom without the payment of any fee or charge whatever.

SECTION 28. 20.660 of the statutes is created to read:

**20.660 Court of appeals.** There is appropriated to the court of appeals for the following programs:

(1) COURT OF APPEALS. (a) *General program operations.* A sum sufficient to carry its functions into effect.

SECTION 29. 20.923 (2) (a) 4 to 11 of the statutes, as affected by chapter 29, laws of 1977, are renumbered 20.923 (2) (a) 5 to 12.

SECTION 30. 20.923 (2) (a) 4 of the statutes is created to read:

20.923 (2) (a) 4. Court of appeals, judge: executive salary group 7.

SECTION 31. 20.923 (3) of the statutes is amended to read:

20.923 (3) CIRCUIT AND COUNTY JUDGES. The annual salary for any circuit or county judge, including county supplements paid ~~pursuant to~~ under ss. 252.016 (2), 252.071 and 253.07 (2) ~~and any other cost of living or salary adjustment paid by a county shall not exceed \$34,500 for the period January 1, 1974, to December 31, 1974, \$36,225 for the period January 1, 1975, to December 31, 1975, \$38,036 for the period January 1, 1976, to December 31, 1976, and \$39,938 for the period January 1, 1977, to December 31, 1977~~ the midpoint of executive salary group 6 as determined for constitutional and other elected state officials under s. 20.923 (2) (a) (intro.), except that during the period from January 1, 1977, to June 30, 1979, such annual salary shall not exceed the midpoint of executive salary group 6 as determined for constitutional and other elected state officials under s. 20.923 (2) (a) (intro.) in effect for fiscal year 1978-79. Notwithstanding s. 256.02 (4), each county shall reduce its county supplement ~~and any other cost of living or salary adjustment paid by the county~~ to any circuit or county judge in such an amount that the county supplement ~~and such other salary adjustments~~ together with the portion of the annual

salary paid by the state does not at any time exceed such maximum amount. The supreme court shall assure that county supplements and such other salary adjustments are lowered as required under this subsection.

SECTION 32. 23.83 (1) and (3) of the statutes are amended to read:

23.83 (1) JURISDICTION ON APPEAL. Appeal may be taken by either party ~~to the circuit court for the county.~~ On appeal from municipal court the appeal is to the circuit court for the county, and the defendant is entitled to a new trial de novo and to a jury trial, on request. On appeal from the county court, ~~the circuit court has power similar to that of the supreme court under ch. 817 to review and to affirm, reverse, remand or modify the judgment appealed from~~ appeal is to the court of appeals.

(3) PROCEDURE ON APPEAL. Within 15 days after judgment, appeal may be taken to the circuit court by filing a notice of appeal with the municipal court ~~or with the clerk of the trial court,~~ and by serving a copy of such the notice on the opposing party or attorney. ~~If the action was tried in the county court the appellant shall, within 40 days after the notice of appeal was filed, file with the clerk of the trial court either a transcript of the reporter's notes of the trial or a statement that the appeal can be supported by the case file without a transcript. The appellant shall pay the cost of preparing the transcript, and shall deliver a copy of the transcript to all parties. Within 10 days after the transcript or statement is filed with the clerk, the clerk shall return the case file and the transcript or statement to the circuit court, and shall notify the parties of such filing in the circuit court. An appeal to the court of appeals shall be in accordance with chs. 808 and 809.~~

SECTION 33. 25.50 (1) (d) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

25.50 (1) (d) "Local government" means any county, town, village, city, power district, sewerage district, drainage district, public library system, school district or vocational, technical and adult education district in this state, any commission, committee, board or officer of any governmental subdivision of this state, any court of this state, other than the court of appeals or the supreme court, or any authority created under s. 231.02, 234.02 or 499.02 (1).

SECTION 34m. 29.595 (2) (b) of the statutes is amended to read:

29.595 (2) (b) The department shall investigate and settle all claims. In all cases where the department and the claimant cannot agree upon the amount of the damage ~~the department shall, upon not less than 10 days' written notice, to such claimant, apply to the judge of the circuit court of the county wherein the claimant resides to try and determine all the issues. At the time set such judge shall hear the parties, and in such manner as he may determine, inform himself in respect to the matter, and within 5 days make his award in writing and file the same. All witnesses necessary to such proceedings shall receive the same pay as witnesses in a court of record. The findings and awards of the judge are~~ department's decision is subject to review ~~on petition of either party as provided in~~ under ch. 227.

SECTION 36. 35.28 of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

**35.28 Orders by department.** The department may order printed in suitable form, in reasonable quantities, copies of opinions and briefs of the attorney general and the supreme court; opinions of the court of appeals; decisions of the transportation commission or public service commission; and special editions of parts of official reports.

SECTION 37. 40.11 (2) (a) 2 of the statutes is amended to read:

40.11 (2) (a) 2. Is a member or employe of the legislature, a state constitutional officer, a justice of the supreme court, a court of appeals judge, a circuit judge or the chief clerk or sergeant at arms of the senate or assembly.

SECTION 38. 41.02 (14) and (23) of the statutes are amended to read:

41.02 (14) Any participating employe who originally obtained membership in the Wisconsin retirement fund under provisions of the statutes relating to supreme court justices, court of appeals judges, circuit judges, county judges, members of the state legislature or state constitutional officers who later accepts employment in a state position subject to this subchapter without the occurrence of a break in service, or who accepted employment with the Wisconsin state agencies building corporation and reimburses the fund for the employe share for such the period of employment, will continue to have his or her retirement annuity computed in accordance with s. 41.11 (6) (c) 3. b, or s. 41.11 (6) (d) 3. b if eligible thereunder, ~~providing said if the~~ employe pays into the retirement fund a sum equal to the difference between the contributions required under s. 41.07 (2) (a) 3 or (am) 2 and the actual contributions ~~said the~~ employe made under s. 41.07 (2) and ~~providing he if the~~ employe makes all future contributions to the fund ~~pursuant to under~~ s. 41.07 (2) (a) 3 or (am) 2.

(23) "Normal retirement date" means the day on which a participant attains the age of ~~a)~~ 60 years if he or she is or was a protective occupation participant; ~~b)~~ 62 years if he is or was a supreme court justice, court of appeals judge, circuit judge, county judge, member of the legislature, state constitutional officer elected by vote of the people, or a Group D participant who is or was a county or municipal officer elected by vote of the people; or ~~c)~~ 65 years otherwise; but after June 30, 1974, normal retirement date for each protective occupation participant means the day on which such the participant attains the age of 55 years, and after June 30, 1969, for purposes of s. 41.11 (6), normal retirement date for each protective occupation participant means the day on which such participant attains the age of 55 years. The normal retirement date of any participant shall be determined by the employment category of the participant and the applicable statutory provisions at the earlier of either the date it is necessary to make any determination or to take any action relative to such the participant for purposes of the fund, or the date of termination of employment of the participant, notwithstanding the fact that a participant may have been in one or more different employment categories at any previous time. For purposes of computing the formula annuity under s. 41.11 (6) of a participant who has creditable service in 2 or more of the categories specified in s. 41.07 (2) (a) or (am), the normal retirement date for each such category shall be used to determine the amount of annuity to be paid with respect to creditable service in each such category.

SECTION 39. 41.07 (2) (am) 2 of the statutes is amended to read:

41.07 (2) (am) 2. For each supreme court justice, court of appeals judge, circuit judge, county judge or state, county or municipal officer elected by vote of the people, 5-1/2% of such the earnings.

SECTION 40. 41.11 (2) and (6) (d) 3. b of the statutes are amended to read:

41.11 (2) (title) JUSTICES AND CERTAIN JUDGES. Each supreme court justice, court of appeals judge and circuit judge who attains age 70 shall be retired not later than the July 31 following the date on which he or she attains the age of 70. This subsection shall supersede the provisions of sub. (1) for supreme court justices, court of appeals judges and circuit judges.

(6) (d) 3. b. For each participant for creditable service as a supreme court justice, court of appeals judge, circuit judge, county judge, or state, county or municipal officer elected by vote of the people, 1.8% of his or her formula final rate of earnings;

SECTION 41. 48.47 of the statutes is amended to read:

**48.47 (title) Appeal.** Any person aggrieved by an adjudication of the county court under this chapter and directly affected thereby has the right to appeal to the circuit court of the same county appeals within 40 days of the entry of the order in the manner in which appeals are taken from judgments in civil actions. No undertaking ~~shall be is~~ required on such appeal. The order of the county court shall stand, pending the determination of the appeal, but the circuit court of appeals may upon application stay such order. ~~The appeal shall be on the record which the county court shall make~~

~~and keep of the entire proceedings.~~ Appeal from an order granting or denying an adoption under s. 879.27 and from any county court review under s. 48.64 (4) (c) shall be to the supreme court of appeals.

SECTION 41m. 49.11 (7) (c) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

49.11 (7) (c) *Judicial review.* ~~Such The order shall be is~~ subject to review under ch. 227, ~~but the review, which may be heard at a regular or special term, shall be instituted in the circuit court in Douglas, Eau Claire, Marathon, Brown, La Crosse, Dane or Milwaukee counties.~~

SECTION 42. 51.20 (16) (a) of the statutes, as affected by chapter 26, laws of 1977, is amended to read:

51.20 (16) (a) (title) *To the court of appeals.* Within 10 days after disposition under sub. (14), an appeal may be taken from any final order or judgment to the circuit court for the county of appeals by the subject of the petition or ~~such the~~ individual's guardian, by any petitioner or by the representative of the public. ~~Such The~~ appeal is taken by filing with the clerk of the court rendering ~~such the~~ order or judgment a notice of appeal, signed by the appellant or the appellant's attorney, a copy of which shall be served by appellant upon each person to whom notice of the proceeding was required to be given, upon the appropriate community board under s. 51.42 or 51.437, and upon the director of the treatment facility, if any.

SECTION 43. 51.20 (16) (d) to (f) of the statutes are repealed.

SECTION 44. 51.45 (13) (q) 3 and 4 of the statutes are repealed.

SECTION 45. 51.67 of the statutes is amended to read:

**51.67 Alternate procedure; protective services act.** If, after hearing under s. 51.20 (11) or (12), the court finds that commitment under this chapter is not warranted and that the subject individual is a fit subject for guardianship and protective placement or services, the court may, without further notice, appoint a temporary guardian for the subject individual and order protective placement or services under ch. 55 for a period not to exceed 30 days. If, during ~~such the~~ period, a guardian of the subject individual is appointed, the court may, without further petition or hearing, order protective placement or services under ch. 55. Appeal Within 10 days of the order, an appeal may be taken to the circuit court for the county of appeals as further provided in s. 51.20 (16).

SECTION 46. 52.10 (34) (a) of the statutes is amended to read:

52.10 (34) (a) Perfect an appeal to the ~~proper appellate~~ court of appeals if the support order was issued by a court of this state; or

SECTION 47. 59.28 (21) of the statutes is amended to read:

59.28 (21) Attending the court of appeals or supreme court, \$3 per day, to be allowed on the certificate of the chief justice, ~~the chief judge~~ or the applicable clerk and paid out of the state treasury.

SECTION 48. 59.42 (3) of the statutes is amended to read:

59.42 (3) CHANGE OF VENUE; APPEAL. On a change of venue at commencement in the court to which the action is transferred (no suit tax), \$5; on filing an appeal from ~~an inferior, county or a~~ municipal court, \$5 plus suit tax.

SECTION 49. 59.47 (7) of the statutes is amended to read:

59.47 (7) Upon the request and under the supervision and direction of the ~~attorney general~~ attorney general, brief and argue all criminal cases brought by appeal or writ of error or certified from his or her county to the court of appeals or supreme court. The district attorney of the county in which the case was filed shall represent the state in any appeal regarding that case which is heard by a single court of appeals judge, as specified in s. 752.31 (3).



SECTION 50. 62.075 (4) of the statutes is amended to read:

62.075 (4) **OBJECTIONS; DECISIONS; APPEAL.** ~~Such~~ The city, town or towns, owners of land in ~~such the~~ vicinity, or owners of any interest therein, if opposed to ~~said the~~ proceedings, shall, at least 15 days before the time of hearing fixed by ~~said the~~ order, file in the office of ~~said the~~ clerk of circuit court and serve on the petitioners their verified objections to the granting of the prayer of the petition, specifying the grounds of objections thereto. ~~Said The~~ proceedings may be adjourned or continued for cause. The issue raised by the petition shall be tried by the circuit court upon the evidence submitted by the petitioners and objectors; and witnesses shall be compelled to appear and testify as in other cases in ~~said circuit~~ court and the rules of evidence, practice and procedure shall be the same. The circuit court may ~~in its discretion~~ render judgment in accordance with subs. (1) and (2) ~~of this section~~, detaching from ~~such the~~ city and annexing to ~~such the~~ town or towns ~~such the~~ area, if the facts required by ~~said the~~ subsections ~~be are~~ proved by a preponderance of the evidence; ~~as to any land that such.~~ If the facts be are not so proved, the petition shall be dismissed. In the event of a contest costs may be awarded to the successful party. Any person aggrieved by the final judgment ~~may have a transcript served and approved according to the statutes and rules of court; and~~ may appeal to the supreme court of appeals from ~~such the~~ judgment within 6 months after service of notice of entry thereof ~~by serving a notice of appeal and undertaking in the form and manner provided by ss. 817.11 to 817.16 chs. 808 and 809.~~

SECTION 51. 66.017 (title), (1), (2) and (4) of the statutes, as affected by chapter 29, laws of 1977, are amended to read:

**66.017 (title) Review of the action.** (1) The order of the circuit court made ~~pursuant to under~~ s. 66.014 (8) or (9) (f) may be appealed to the supreme court of appeals.

(2) The decision of the department made ~~pursuant to under~~ s. 66.014 (9) shall be subject to judicial review ~~by the circuit court of Dane county as provided in under~~ ch. 227.

(4) Where an incorporation referendum has been ordered by the circuit court under s. 66.014 (9) (f), ~~such the~~ referendum shall not be stayed pending the outcome of further litigation, unless the court of appeals or the supreme court, upon appeal or upon the filing of an original action in supreme court, concludes that a strong probability exists that the order of the circuit court or the decision of the department will be set aside.

SECTION 52. 66.023 (2) of the statutes is amended to read:

66.023 (2) If an action is brought as provided in s. 66.021 (10) to contest the validity of the annexation or is brought to contest the validity of a consolidation within 60 days of the effective date thereof, the territory shall be transferred for school purposes on July 1 succeeding the final determination of the litigation. A determination of the litigation shall not be deemed final until the expiration of the appeal period to the ~~state supreme~~ court of appeals.

SECTION 53. 66.027 of the statutes is amended to read:

**66.027 Municipal boundaries, fixed by judgment or agreement.** Any 2 municipalities whose boundaries are immediately adjacent at any point and who are parties to any action, proceeding or appeal in court for the purpose of testing the validity or invalidity of any annexation, incorporation, consolidation or detachment, may enter into a written stipulation, compromising and settling any such litigation and determining the common boundary line between ~~said the~~ municipalities; ~~and the.~~ The court having jurisdiction of ~~said the~~ litigation, whether it is a circuit court, the court of appeals or the supreme court, may enter a final judgment incorporating the provisions of ~~said the~~ stipulation and fixing the common boundary line between the municipalities involved. Any 2 municipalities whose boundaries are immediately adjacent at any point may enter into a written agreement setting the boundary lines between themselves. Any agreement changing boundaries of municipalities shall be approved by the governing

bodies of the detaching and annexing municipalities and s. 66.021 (8) and (10) shall apply. Any change of civil municipal boundaries under this ~~provision~~ section is subject to a referendum of the electors residing within the territory annexed or detached, if within 30 days after the publication of the stipulation or agreement to change boundaries in a newspaper of general circulation in the area proposed to be annexed or detached, a petition for a referendum signed by 20 ~~per cent~~ % of the electors of the area to be annexed or detached, is filed with the clerk of the municipality from which the area is proposed to be detached. The referendum shall be conducted as are annexation referenda. If the referendum election is opposed to detachment from the municipality, all proceedings ~~pursuant to~~ under this section are void. For the purposes of this section "municipalities" includes cities, villages and towns.

SECTION 54. 66.05 (8) (c) of the statutes is amended to read:

66.05 (8) (c) Either the owner or the city or village may appeal to the ~~supreme court of appeals~~ within 30 days from the date of entry of the order of the circuit court and such appeal shall be heard by the supreme court in the same manner as other appeals are heard.

SECTION 55. 66.054 (14) (b) of the statutes is amended to read:

66.054 (14) (b) The procedure in ~~said~~ the review shall be the same as in civil actions instituted in ~~said~~ the court of record. The person desiring ~~such~~ review shall file ~~his~~ pleadings, which shall be served upon the city council, village or town board in the manner provided for service in civil actions by statute, and a copy thereof shall be served upon the licensee. The ~~said~~ city council, village or town board or licensee shall have 20 days within which to file ~~his, her~~ or their answer to ~~said~~ the complaint, and ~~thereupon said~~ the matter shall be deemed at issue and hearing may be had before the presiding judge of ~~said~~ the court within 5 days, upon due notice served upon the opposing party. The hearing shall be before the presiding judge without a jury. Subpoenas for witnesses shall be issued and their attendance compelled, ~~in accordance with the provisions of statute relating to civil proceedings.~~ The decision of the presiding judge shall be filed within 10 days thereafter, and a copy thereof transmitted to each of the parties, and ~~said~~ the decision shall be binding unless ~~appeal be had to the supreme court in the manner provided by statute for appeals in civil actions~~ the decision is appealed to the court of appeals.

SECTION 56. 66.435 (4) (b) of the statutes is amended to read:

66.435 (4) (b) Any person feeling ~~himself~~ aggrieved by the determination of any board, ~~or~~ commission, or commissioner of health, following review of an order issued by officers and employes of a municipality under this section may appeal directly to the circuit court of the county in which ~~such~~ the dwelling or other structure is located by filing a petition for review with the clerk of the circuit court within 30 days after a copy of the order of ~~such~~ the board, commission, or commissioner of health, has been served upon ~~such~~ the person. The petition shall state the substance of the order appealed from and the grounds upon which ~~such~~ the person believes the order to be improper. A copy of ~~such~~ the petition shall be served upon the board, commission, or commissioner of health, whose determination is being appealed. ~~Such~~ The copy shall be served personally or by registered or certified mail within the 30-day period ~~herein~~ provided in this paragraph. A reply or answer shall be filed by the board, commission, or commissioner of health, within 15 days from the receipt of ~~such~~ the petition. A copy of the written proceedings of the hearing held by the board, commission, or commissioner of health, which led to service of the order being appealed, shall be included with the reply or answer when filed. If it appears to the court that the petition is filed for purposes of delay, it shall, upon application of the municipality, promptly dismiss ~~such~~ the petition. Either party to the proceedings may then petition the court for an immediate hearing on the order. The court shall review the order, the copy of written proceedings of the hearing conducted by the board, commission, or commissioner of health, and shall take such testimony as in its judgment may be appropriate, and following a hearing upon ~~such~~ the order without a jury, the court shall make its determination. If the court affirms the determination made by the

board, commission, or commissioner of health, ~~it~~ the court shall fix a time within which the order appealed from shall become operative. Either party may appeal from the determination made by the circuit court to the ~~supreme~~ court of appeals within 60 days following the determination of the circuit court, but not thereafter. If the court of appeals or supreme court affirms the order appealed from, the ~~supreme~~ court shall set the time within which ~~such~~ the order shall become effective.

SECTION 56g. 66.945 (14) (d) 2 of the statutes is amended to read:

66.945 (14) (d) 2. If a local governmental unit does not elect to arbitrate, it may institute a proceeding for judicial review ~~as provided in~~ under ch. 227, ~~except that the place of appeal shall be the circuit court of a county within the region other than the county in which the local governmental unit seeking review is located.~~

SECTION 56r. 73.015 (2) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

73.015 (2) Any adverse determination of the commission is subject to review in the manner provided in ch. 227, ~~except that proceedings for review involving taxes of persons other than corporations shall be instituted in the circuit court of the county where the taxpayer resides, and proceedings involving taxes of nonresident individuals or fiduciaries shall be instituted in the circuit court of the county which includes the situs of the property or income assessed, or if there is more than one such county, to the circuit court of any one of such counties and all proceedings involving manufacturing property taxes under s. 70.995 (8) shall be instituted in the circuit court for the county in which the property is located or in the circuit court of Dane county.~~ If the circuit court construes a statute adversely to the contention of the department of revenue, the department shall be deemed to acquiesce in the construction so adopted unless an appeal to the supreme court of appeals is taken, and the construction so acquiesced in shall thereafter be followed by the department.

SECTION 57. 74.11 (5) to (8) of the statutes are amended to read:

74.11 (5) APPEAL AND RETURN. ~~The~~ Except as provided in sub. (8), the defendant may, within 20 days after the entry of any such judgment, appeal to the circuit court of appeals, by executing and delivering to the county court judge an undertaking to the town, city or village, with one or more sureties to be approved by such judge, conditioned to pay any the judgment the circuit court of appeals may render against him or her in the action; ~~and upon the.~~ Upon receipt of such the undertaking the judge shall return it with the examinations and evidence taken by him or her and all other papers and proceedings in such the action, duly certified by him or her, to the circuit court of appeals. ~~The~~ Except as provided in sub. (8), the plaintiff may also appeal from any such judgment or from any judgment discharging such the defendant to the circuit court ~~in the same manner that a plaintiff to a civil action in county court may appeal from a judgment rendered therein~~ of appeals. Upon taking such appeal the judge shall make a like return to the circuit court of appeals as upon an appeal by the defendant.

(6) (title) EXECUTION UPON JUDGMENT. ~~Upon filing the return of the judge by the clerk of the circuit court the action shall be tried in court as other actions therein; and the~~ The district attorney of the county shall appear for ~~and try the action on behalf of~~ the plaintiff whenever so requested by the county treasurer. ~~Upon trial, either party may read as evidence the examinations taken by the judge and returned by him to such court and produce such other proofs as they deem necessary. The issues shall be the same as before the judge; and if upon the trial in the circuit court neither of the issues are established in the negative, or if the defendant neglects or refuses to appear on such trial and answer all relevant questions put to him the judge or jury by whom such action is tried shall assess the amount of the tax which the defendant ought to pay, and judgment shall be rendered against him and his sureties in said undertaking for the amount so assessed and for all costs, fees and disbursements before the county court judge and the circuit court.~~ Execution shall issue upon such the judgment against the property of all the defendants in such judgment, and no property belonging to the defendant in the action ~~shall~~ may be exempt from seizure and sale on such the

execution; ~~but if either of such issues are established in the negative the action shall be dismissed and the defendant shall recover his costs.~~

(7) SUPPLEMENTARY PROCEEDINGS. ~~In case~~ If execution in any such action upon a judgment ~~rendered upon an appeal or upon a transcript of a judgment of such judge~~ is returned unsatisfied in whole or in part, the proper treasurer may institute proceedings supplementary to execution to collect such the judgment; and all. ~~All~~ laws applicable to supplementary proceedings upon other judgments are made applicable to the judgment ~~above mentioned~~ specified in this subsection.

(8) EFFECT OF JUDGMENT. A final judgment in such the action upon the ground that the defendant had no personal property liable to taxation at the time the assessment was made or that ~~he the defendant~~ is not justly liable to pay any portion of such tax shall be a bar to any further proceedings of any kind for the collection of such the tax; and every. ~~Every~~ such judgment against the defendant, fixing the amount of tax which he or she ought justly to pay, shall be conclusive as to the extent of his or her liability; and in. ~~In~~ fixing the amount which the defendant ought justly to pay, all irregularities, mistakes and errors in the assessment and proceedings which do not affect the justice and equity of such the tax or some part thereof shall be disregarded.

SECTION 58. 87.16 of the statutes is amended to read:

**87.16 Court proceedings speeded.** Any action brought in any court for the purpose of enjoining, preventing or interfering with the construction, repairing, reconstruction, operation or maintenance of the improvement ordered by the department, or any part thereof, except actions to review the orders of the department ~~pursuant to~~ under ss. 87.01 to 87.17, shall be placed upon the current term calendar of the court as soon as such action is at issue and shall have precedence over all other actions pending upon such calendar. In addition to all other limitations, the time for appealing from any order or judgment entered in such action shall be limited to 30 days from the date of the entry of such order or judgment. In the event of such appeal the cause shall, on the filing of the papers in the ~~supreme~~ court of appeals, be immediately placed at the head of the ~~state~~ calendar of the court of appeals of the then pending term and shall be assigned and brought to a hearing in the same manner as other causes on the ~~state~~ calendar of the court of appeals.

SECTION 59. 102.23 (1) (intro.) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

102.23 (1) (intro.) The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive. The order or award, either interlocutory or final, whether judgment has been rendered thereon or not, shall be subject to review only in the manner and upon the grounds following and not under s. 801.02: Within 30 days from the date of an order or award made by the commission any party aggrieved thereby may commence, in ~~the circuit court for Dane county,~~ an action against the department for the review of such the order or award, in which action the adverse party shall also be made defendant. The proceedings shall be in the circuit court of the county where the petitioner resides, except that if the petitioner is a state agency, the proceedings shall be in the circuit court of the county where the respondent resides. The proceedings may be brought in any circuit court if all parties stipulate and that court agrees. The judicial review provisions of ch. 227 do not apply to the review proceedings under this subsection.

SECTION 60. 102.25 (1) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

102.25 (1) Any party except the department, aggrieved by a judgment entered upon the review of any order or award, may appeal therefrom within 30 days from the date of service by either party upon the other of notice of entry of judgment. However, it shall not be necessary for the department or any party to the action to execute, serve or file the undertaking required by s. 817.11 (3) or to serve, or secure approval of, the transcript of reporter's notes. All such appeals shall be placed on the calendar of the ~~supreme~~ court of appeals and brought to a hearing in the same manner

as state causes on such calendar. The state shall be deemed a party aggrieved, within the meaning of this subsection, whenever a judgment is entered upon such a review confirming any order or award against it. At any time before the case is set down for hearing in the court of appeals or the supreme court, the parties may have the record remanded by the court to the department in the same manner and for the same purposes as provided for remanding from the circuit court to the department under s. 102.24 (2).

SECTION 60m. 111.07 (8) of the statutes is amended to read:

111.07 (8) The order of the commission shall also be subject to review ~~in the manner provided in under ch. 227, except that the place of review shall be the circuit court of the county in which the appellant or any party resides or transacts business.~~

SECTION 61. 117.01 (1) (d) 6 of the statutes is amended to read:

117.01 (1) (d) 6. During the pendency of an appeal to court until the filing with the clerk of the circuit court of final disposition therein by the circuit court, the court of appeals or the supreme court.

SECTION 62. 117.03 (5) of the statutes is amended to read:

117.03 (5) Any party to the circuit court appeal may secure a review of the final order of the circuit court by appeal to the ~~supreme court of appeals~~. Such ~~The~~ appeal shall be taken as provided by law for appeals from the circuit court in other civil cases, except that the time for appeal shall be limited to 60 days from the notice of entry of the order.

SECTION 62m. 144.07 (3) (b) and (4) (f) of the statutes are amended to read:

144.07 (3) (b) Institute a proceeding for judicial review ~~in the manner provided in under ch. 227, except that the place of appeal shall be the circuit court of the county of the governmental unit furnishing the service.~~

(4) (f) Any such governmental unit being aggrieved by the determination of the sewerage commission on matters within its jurisdiction may appeal to the circuit court ~~of the county in which such aggrieved governmental unit is located~~ as provided in sub. (3) (b).

SECTION 63. 165.25 (1) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

165.25 (1) REPRESENT STATE. ~~Appear~~ Except as provided in s. 59.47 (7), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded ~~by the supreme court~~ to any circuit court in which the state is a party; and, ~~when~~ if requested by the governor or either branch of the legislature, appear for the state and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people thereof may be ~~in anywise~~ interested. All expenses of ~~such the~~ proceedings shall be ~~charged to the sum sufficient case account of the department of justice paid from the appropriation~~ paid from the appropriation under s. 20.455 (1) (d).

SECTION 63m. 176.052 of the statutes is amended to read:

**176.052 Coin-operated machine distributors.** No person ~~shall~~ may engage in the business of setting up coin-operated cigarette machines, juke boxes and amusement devices on premises licensed under this chapter or s. 66.054 without first having obtained from the department of revenue a license to carry on ~~such the~~ business. The department shall devise forms to be used by applicants under this section and the qualifications set out in s. 139.34 (1) (b) and (c) shall apply to ~~such the~~ applicants. Violations under this section shall be punished as provided in s. 176.04. If any person licensed under this section uses force, violence or threats of force or violence to obtain locations for placing ~~such the~~ coin-operated machines in premises licensed under this chapter, or if after licensing it appears that the licensee does not meet the qualifications of s. 139.34 (1) (b) and (c), the department may revoke the license after hearing. A denial of a license or an order of revocation, both of which shall be in

writing giving the reasons therefor, shall be subject to judicial review ~~by the circuit court for the county of residence~~ under ch. 227. This section ~~shall~~ does not apply to those persons holding cigarette vending machine operators permits pursuant to under s. 139.34 (1).

SECTION 64. 176.121 (2) of the statutes is amended to read:

176.121 (2) If ~~such the~~ person shall does not appear as required by the summons, the allegations of the complaint shall be taken as true; ~~and if. If the court shall deem such finds that the allegations are sufficient,~~ it shall order the license suspended for a period not exceeding 90 days or revoked, and notice thereof shall be given by the clerk of ~~said the~~ court to the person whose license is so revoked or suspended; ~~but if such. If the person shall appear and answer appears and answers~~ the complaint, the court shall fix a date for trial not more than 30 days after the return date of the summons, at a place within the judicial circuit if the complaint is filed in a circuit court. Trial shall be had before the court without a jury. If upon ~~such the~~ trial the court ~~shall find finds~~ the allegations of the complaint to be true it shall order the license suspended for a period not exceeding 90 days or revoked, and if untrue the proceeding shall be dismissed. When a license is revoked or suspended, the local licensing body which issued ~~such the~~ license shall be notified by the clerk; and if ~~such the~~ license ~~be is~~ revoked, no other license ~~shall may~~ be granted to ~~such the~~ person or to any person in privity of interest with him ~~or her~~ as owner, lessor, bailor or lender, within 12 months of the date of its revocation, and no other license ~~shall may~~ be granted to cover the premises covered by any revoked license within 60 days of the date of the revocation of ~~such the~~ license; nor ~~shall may~~ any part of the money paid for any license so revoked be refunded. If any appeal ~~be is~~ taken from ~~such the~~ revocation, any period during which the order is stayed shall be added to the 12 months and to the 60 days, respectively. The findings and order of the court shall be filed within 10 days after the trial and ~~said the~~ order shall be final unless appeal ~~be is~~ taken to the ~~supreme~~ court ~~in the manner provided for appeals in civil cases of appeals.~~

SECTION 65. 186.29 (5) of the statutes is amended to read:

186.29 (5) ADJUSTMENT OF LOANS AND WITHDRAWAL VALUE OF SHARES. The value of shares pledged upon a loan to ~~such the~~ credit union shall be applied and credited to ~~such the~~ loan and the borrower shall be liable only for the balance. The rate of interest charged upon ~~such the~~ balance shall be the legal rate. The value shall be determined in such manner as the commissioner prescribes, and shall be made ~~pursuant to under~~ s. 186.30 (1) and (3), or in such other manner as the commissioner may prescribe. Upon the approval of ~~such the~~ value by the commissioner and the circuit court of the county in which ~~such the~~ credit union is located, the book value of each member shall be reduced proportionately. At least 5 days' written notice of ~~such the~~ determination of value shall be given to all shareholders of the time and place ~~such the~~ value shall be submitted to the circuit court for approval. Should any stockholder or creditor of such credit union feel aggrieved by ~~such the~~ determination of value, he ~~or she~~ may at any time within 15 days after the mailing of a notice by the commissioner, addressed to the last-known address of ~~such the~~ party, giving notice of ~~such the~~ determination and value of ~~such the~~ shares, appeal to the ~~supreme~~ court of appeals.

SECTION 66. 196.49 (6) of the statutes is amended to read:

196.49 (6) If the commission ~~shall find finds~~ that any public utility has undertaken or is about to undertake such a project as ~~is herein~~ described in this section in violation or disregard of ~~such the~~ general or special order, the commission may in its own name either before or after investigation or public hearing and either before or after issuing any additional orders or directions as it may deem proper, bring an action in the circuit court of Dane county to enjoin ~~such the~~ violation or disregard of ~~such the~~ order. Where necessary to preserve the status quo the court may issue a temporary injunction pending a hearing upon the merits. From any such order or judgment of the circuit court an appeal may be taken to the ~~supreme~~ court as provided in ch. 817 of appeals.

SECTION 67. 227.024 (6) of the statutes is amended to read:

227.024 (6) An agency may include with its rules brief notes, illustrations, findings of fact, digests of supreme court cases, court of appeals decisions or attorney general's opinions, or other explanatory material if ~~such the~~ materials are labeled or set forth in a manner which clearly distinguishes them from the rules. The revisor of statutes may edit ~~such the~~ materials before publishing them in the administrative code and register, may merely refer to the fact that they are on file, or may eliminate them or any reference to them in the administrative code and register if he or she feels that they would not, to any appreciable extent, add to an understanding of the rules. If the revisor of statutes edits ~~such the~~ materials preparatory to publication, he or she shall submit the edited version to the agency for its comments prior to publication.

SECTION 68. 227.15 of the statutes is amended to read:

**227.15 Judicial review; orders reviewable.** Administrative decisions, which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, except the decisions of the department of revenue, the commissioner of banking, the commissioner of credit unions and the commissioner of savings and loan and as otherwise provided by law, shall be subject to judicial review as provided in this chapter.

SECTION 68m. 227.16 (1) (a) of the statutes, as affected by chapter 26, laws of 1977, is amended to read:

227.16 (1) (a) Proceedings for review shall be instituted by serving a petition therefor personally or by registered mail upon the agency or one of its officials, and by filing ~~such the~~ petition in the office of the clerk of the circuit court for the county where the trial ~~shall is to be held pursuant to ss. 801.50 to 801.62 except s. 801.50 (9) (unless a different place of review is expressly provided by law)~~, all within 30 days after the service of the decision of the agency upon all parties as provided in s. 227.11 or, in cases where a rehearing is requested, within 30 days after service of the order finally disposing of the application for such rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The proceedings shall be in the circuit court of the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court of the county where the respondent resides. The proceedings shall be in the circuit court of Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceeding may be in any circuit court.

SECTION 69. 227.26 of the statutes is amended to read:

**227.26 Jurisdiction of state courts to determine validity of laws when attacked in federal court and to stay enforcement.** Whenever a suit praying for an interlocutory injunction shall have been begun in a federal district court to restrain any department, board, commission or officer from enforcing or administering any statute or administrative order of this state, or to set aside or enjoin ~~such the~~ suit or administrative order, ~~such the~~ department, board, commission or officer, or the ~~attorney general~~ attorney general, may bring a suit to enforce ~~such the~~ statute or order in the circuit court of Dane county at any time before the hearing on the application for an interlocutory injunction in the suit in the federal court. Jurisdiction is hereby conferred upon the circuit court of Dane county and on the ~~supreme court of appeals~~, on appeal, to entertain ~~such the~~ suit with the powers ~~herein granted in this section~~. The circuit court shall, when ~~such the~~ suit is brought, grant a stay of proceedings by any state department, board, commission or officer under ~~such the~~ statute or order pending the determination of ~~such the~~ suit in the courts of the state. The circuit court of Dane county upon the bringing of ~~such the~~ suit therein shall at once cause a notice thereof, together with a copy of the stay order by it granted, to be sent to the federal district court in which the action was originally begun. An appeal may be taken within ~~ten~~ 10 days after the termination of the suit in the circuit court to the ~~supreme~~

court of ~~the state appeals~~, and ~~such the~~ appeal shall be in every way expedited and set for an early hearing.

SECTION 70. 247.39 of the statutes, as affected by chapter 105, laws of 1977, is repealed.

SECTION 71. Title XXIV (title) of the statutes is repealed.

SECTION 72. Chapter 250 of the statutes is renumbered chapter 750.

SECTION 73. Chapter 251 (title) of the statutes is renumbered chapter 751 (title).

SECTION 74. 251.01 of the statutes is renumbered 751.01 and amended to read:

**751.01 Terms of justices.** The term of office of ~~each of the elected justices an elected justice~~ of the supreme court shall ~~commence~~ commences on the first Monday of ~~January August 1~~ next succeeding ~~their the justice's~~ election.

SECTION 75. 251.02 to 251.07 of the statutes are repealed.

SECTION 76. 251.08 to 251.10 of the statutes are renumbered 751.05 to 751.07 and amended to read:

**751.05 Appellate jurisdiction.** The supreme court ~~shall have and exercise an has~~ appellate jurisdiction only, except ~~when as~~ otherwise ~~specially~~ provided by law or the constitution, ~~which shall extend to all matters of appeal, error or complaint from the decisions or judgments of any of the circuit or county courts and shall extend to all questions of law which may arise in said courts upon a motion for a new trial, in arrest of judgment, or in cases reserved by said courts.~~

**751.06 Discretionary reversal.** ~~In any action or proceeding brought to an appeal in the supreme court by appeal or writ of error, if it shall appear to that court appears from the record, that the real controversy has not been fully tried, or that it is probable that justice has for any reason miscarried, the supreme court may in its discretion reverse the judgment or order appealed from, regardless of the question whether the proper motions, objections, or exceptions appear motion or objection appears in the record or not, and may also, in case of reversal, direct the entry of the proper judgment or remit the case to the trial court for the entry of the proper judgment or for a new trial, and direct the making of such amendments in the pleadings and the adoption of such procedure in that court, not inconsistent with the statutes governing legal procedure or rules, as shall be deemed are necessary to accomplish the ends of justice.~~

**751.07 (title) Writs.** In addition to the writs mentioned in section 3 of article VII of the constitution the supreme court ~~shall have power to may~~ issue all writs of prohibition, ~~supersedeas, procedendo and all other writs and process not specially provided by statute which may be necessary to enforce the due administration of right and justice throughout the state; and any justice of said court in vacation shall, on good cause shown, have power to allow writs of error, supersedeas and certiorari, and also to grant injunctinal orders. One or more justices may issue writs in accordance with court rules or internal procedures.~~

SECTION 77. 251.11 of the statutes is repealed.

SECTION 78. 251.12 of the statutes is renumbered 751.09 and amended to read:

**751.09 (title) Referral of issues of fact and damages.** ~~Whenever an issue of fact shall be joined or an assessment of damages by a jury be necessary in any action commenced in In actions where the supreme court has taken original jurisdiction, the court may, in its discretion, send the same refer issues of fact or damages to some a circuit court and it shall be there determined in the same manner as other issues of fact are tried or assessments made, and return be made thereof as directed by the supreme court or referee for determination.~~

SECTION 79. 251.14 of the statutes is renumbered 751.10 and amended to read:

**751.10 Decisions to be written; part of record; certified to United States court; printed for justices.** The supreme court shall ~~give their decisions in~~ decide all cases in



~~writing, which shall be filed with the other papers in the case; and such decisions and all decisions and opinions delivered by the court or any justice thereof in relation to any action or proceeding pending in said court. One copy of each written decision or opinion delivered by the court or a justice in an action or proceeding in the court shall remain in the office of the clerk. Every written opinion or decision of the supreme court which shall have been filed with the clerk and one copy shall constitute and be held a part of the record in the action or proceeding in which it shall have been given and filed and shall be certified therewith to any a court of the United States to which such the action or proceeding or the record thereof may be in any manner is certified or removed. The state printer shall print for the use of the justices so many of such supreme court may require the department of administration to print its decisions and opinions, and at such times, as shall be in the form and number directed by them the court.~~

SECTION 80. 251.15 of the statutes is renumbered 751.11.

SECTION 81. 251.16 and 251.17 of the statutes are repealed.

SECTION 82. 251.18 of the statutes is renumbered 751.12 and amended to read:

**751.12 Rules of pleading and practice.** The state supreme court shall, by rules promulgated by it from time to time, regulate pleading, practice and procedure in judicial proceedings in all courts, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. ~~Such~~ The rules shall not abridge, enlarge or modify the substantive rights of any litigant. The effective dates for all rules adopted by the court shall be January 1 or July 1, ~~but in no case shall a.~~ A rule shall not become effective until 60 days after its adoption. All such rules shall be printed by the state printer and paid for out of the state treasury, and the court shall direct the ~~same rules~~ rules to be distributed as it ~~may deem~~ deems proper. All statutes relating to pleading, practice and procedure may be modified or suspended by rules promulgated ~~pursuant hereto~~ under this section. No rule modifying or suspending such statutes shall ~~may~~ be adopted until the court has held a public hearing with reference ~~thereto~~. ~~The court may establish days certain in each year at which dates the public hearings shall be held. Said hearings shall be held at 1:30 o'clock in the afternoon, or at such other time as the court shall direct to the rule.~~ Notice of public hearings shall be given by publication of a class 3 notice, under ch. 985, the expense of the publication to be paid out of the state treasury. Notice shall also be given in ~~the an~~ an official publication of the state bar of Wisconsin, ~~said the~~ the notice to be published not more than 60 days, ~~not nor~~ not less than 30 days, before the date of hearing. The state bar of Wisconsin shall not charge the state treasury for publication of this notice. Proposed rules, including changes, if any, in existing rules, shall be set forth in full in the notice. ~~Nothing in this~~ This section shall ~~not~~ not abridge the right of the legislature to enact, modify or repeal statutes or rules relating to pleading, practice or procedure. The judicial council shall act in an advisory capacity to assist the court in performing its duties under this section.

SECTION 83. 251.181 of the statutes is renumbered 808.11.

SECTION 84. 251.182 of the statutes, as affected by chapters 29 and 135, laws of 1977, is renumbered 751.03.

SECTION 85. 251.19 of the statutes, as affected by chapter 29, laws of 1977, is renumbered 165.26.

SECTION 86. 251.20 of the statutes is renumbered 751.04.

SECTION 87. 251.21 to 251.23 of the statutes are repealed.

SECTION 88. 251.235 to 251.71 of the statutes are renumbered 751.235 to 751.71, and 751.236 (1), 751.237 (1), 751.238 (1) and (3), 751.239 (2) and (3) (intro.) and (e), 751.24, 751.241 (1), 751.242 (2), 751.36, 751.38 (2), 751.43, 751.49 and 751.71, as renumbered, are amended to read:

751.236 (1) Each multi-judge trial court shall have a designated chief judge who is responsible for the administration of that court including its personnel and its fiscal

management. This judge shall be a member of the multi-judge trial court he or she administers.

751.237 (1) In any multi-judge trial court the chief judge shall be selected by a secret ballot on or before the first Monday of October by a majority vote of ~~his fellow~~ the judges in that multi-judge trial court.

751.238 (1) The term of office of the chief judge shall be 2 years commencing January 5, 1976, in judicial administrative districts 4, 12, and 14, and on July 1, 1976, in the remaining districts as provided in ~~Rule 251.243 s. 751.243~~. ~~He shall be eligible to~~ The chief judge may succeed himself or herself once. Service to fulfill a vacancy in the office of chief judge will not be counted in the determination of eligibility for reelection.

(3) The chief judge shall be subject to removal before the end of ~~his the~~ term by a vote of not less than two-thirds of ~~his fellow the~~ judges of the multi-judge trial court.

751.239 (2) In carrying out ~~his~~ administrative duties, the chief judge shall cooperate with the state administrator of courts.

(3) (intro.) In the exercise of ~~his~~ general responsibility, the chief judge shall have the following duties:

(e) Preparation of recommended policies, plans, and rules and submission of the recommendations to the judges of the multi-judge trial court. Rules for the administration of the multi-judge trial court are to be effective upon the approval of a majority of the judges of the multi-judge trial court. The chief judge may appoint a committee of judges, lawyers and other interested persons to assist ~~him~~ the chief judge in the preparation of the rules. The supreme court may review the rules upon its own motion or the petition of a party affected by them.

**751.24 Rule (Authority of the chief judge).** The chief judge shall exercise within the geographic area of the multi-judge trial court the full administrative power of the judicial branch of government, subject to the superintending control of the supreme court. ~~He~~ The chief judge shall have full authority to order that ~~his or her~~ directives and policies, and the rules of the multi-judge trial court be carried out. Failure to comply with an order of the chief judge shall be grounds for discipline under the judicial code.

751.241 (1) The function of the deputy chief judge shall be to provide assistance to the chief judge in administrative areas requiring participation by a judicial officer. ~~His~~ The duties and authority of the deputy chief judge shall be those delegated by the chief judge, acting for the chief judge in ~~his or her~~ absence, and representing the chief judge at official functions or in ~~his~~ dealings with other agencies.

751.242 (2) The division presiding judge shall administer ~~his or her~~ subdivision of the court in accordance with policies established for the entire court and under the general supervision of the chief judge.

**751.36 Rule (Reply briefs).** The appellant or plaintiff in error may file a reply brief, restricted to matter in rebuttal, and set forth in an additional appendix thereto such parts of the record or such exhibits as he or she may wish the court to read in view of the parts printed by the respondent in the supplemental appendix to ~~his the~~ respondent's brief. ~~Such~~ The reply brief, exclusive of index, list of authorities and appendix, if any, shall be limited to 10 pages except by prior permission of the court.

751.38 (2) Where it satisfactorily appears that the rules relating to the preparation and printing of a brief, including the appendix, have been flagrantly disregarded or there is an absence of a good faith attempt to comply therewith, the court may in its discretion deny to or impose costs against the offending party or strike ~~his the~~ brief from the files.

**751.43 Rule (Service of briefs).** Not more than 40 days after the record is filed in a cause in which there is no transcript or in which the transcript is filed with the record, or not more than 40 days after the transcript is filed in a cause in which ~~such the~~ transcript is approved after the record is filed, the appellant or plaintiff in error shall

serve 3 copies of his or her brief and appendix upon the opposite party. Upon the filing in the supreme court of the record the clerk shall mail a notice of ~~such the~~ filing to the attorneys of record in the cause. Not more than 30 days after the service of appellant's or plaintiff in error's brief and appendix, the opposite party shall serve upon the appellant or the plaintiff in error 3 copies of his or her brief and supplemental appendix, if any. Not more than 15 days after service of the brief of the opposite party, the appellant or plaintiff in error may serve a reply brief and additional appendix, if any, upon the opposite party. No further brief ~~shall~~ may be served or received except as provided unless permission be first granted. Thirty-five copies of each brief and each appendix, together with proof of service thereof, shall be filed not later than 5 days after the time within which it is required to be served.

**751.49 Rule (Assignment for argument).** (1) Within 10 days after the commencement of the August term, the clerk shall prepare a list of the causes then on the calendar, arranging all civil causes in the order of their filing, and arranging all criminal causes in their order at the foot. During the term ~~he~~ the clerk shall when directed by the court prepare a list of the causes subsequently filed.

(2) A case shall be subject to being set for argument on any date which is at least 30 days after the date of filing of the appellant's or plaintiff in error's brief and appendix. Not less than 30 days before the time set for argument of cases on an assignment, the clerk shall send to each attorney appearing in any case on the assignment a list of ~~such the~~ cases stating the day on which each case will be called for argument.

**751.71 Rule (Motions other than motions for rehearing).** (1) All motions and petitions, other than motions for rehearing, shall be reduced to writing, and shall be supported by a memorandum of authorities, which may be typewritten. Each such memorandum shall contain a summary of the material facts and citations to the authorities relied on. The moving or petitioning party shall serve counsel for each opposing party with a copy of the motion or petition, together with one copy of the supporting memorandum, and file with the clerk the original motion or petition, proof of service thereof, and the original and 7 copies of his or her supporting memorandum. Within 10 days after service of the motion or petition, each opposing party may file with the clerk an original and 7 copies of an opposing memorandum of authorities, together with proof that ~~he~~ the opposing party has mailed a copy of ~~such the~~ memorandum to the moving party. At the expiration of ~~such the~~ 10-day period, the clerk shall submit the motion or petition to the court, and no oral argument ~~shall~~ may be permitted, except by order of the court or a justice thereof.

(2) When the court or a justice, on ex parte application, shall issue a writ, returnable on a day certain, or an order to show cause on a day certain why a motion or petition should not be granted, the supporting memorandum shall be served with the writ or order and copies of the opposing memorandum of authorities shall be served and filed at or before the time set for return or hearing.

SECTION 89. 251.72 of the statutes, as affected by chapter 105, laws of 1977, is renumbered 247.39 and amended to read:

**247.39 (title) Maintenance payments or other allowances pending appeal.** (1) In actions affecting marriage pending in ~~this an~~ an appellate court, no allowance for suit money, counsel fees or disbursements in ~~this the~~ the court, nor for temporary maintenance payments to the spouse or the children during the pendency of the appeal will be made in ~~this the~~ the court.

(2) ~~Such allowances~~ Allowances specified in sub. (1), if made at all, shall be made by the proper trial court upon motion made and decided after the entry of the order or judgment appealed from and prior to the return of the record to ~~this an~~ an appellate court, provided, that if ~~such the~~ the allowance is ordered before the appeal is taken ~~such the~~ the order shall be conditioned upon the taking of the appeal and shall be without effect unless and until the appeal is perfected.

SECTION 90. 251.73 to 251.93 of the statutes are renumbered 751.73 to 751.93.

SECTION 91. 251.94 of the statutes is renumbered 757.28 (3) (b) and amended to read:

757.28 (3) (b) Applications by attorneys for admission to the bar ~~pursuant to section 256.28 (3) under this section~~, together with supporting proofs, must be filed with the clerk ~~at least 60 days before they are acted upon~~. Each applicant shall, at the time of filing ~~his~~ the application, deposit with the clerk the sum of \$100 or ~~such~~ other amount as may be required for ~~such~~ the investigation as may be necessary to satisfy the court that ~~he~~ the applicant is of good moral character and has been engaged in the actual practice of the law in the state or territory from which ~~he~~ the applicant comes for the required period. Applications shall be in the form prescribed by the court.

SECTION 92. Chapter 252 of the statutes, as affected by chapter 29, laws of 1977, is renumbered chapter 753, and 753.03, 753.04, 753.075 (1) and (3), 753.12, 753.14 (1), 753.15 (2) to (8) and (10), 753.152 (2), 753.16, 753.17 (7), (8) and (21) and 753.18 (1) (a), as renumbered, are amended to read:

**753.03 Jurisdiction of circuit courts.** The circuit courts have the general jurisdiction prescribed for them by the constitution and have power to issue all writs, process and commissions provided ~~therein in the constitution~~ or by the statutes, or which may be necessary to the due execution of the powers vested in them. ~~They~~ The circuit courts have power to hear and determine, within their respective circuits, all civil and criminal actions and proceedings unless exclusive jurisdiction is given to some other court; and they have all the powers, according to the usages of courts of law and equity, necessary to the full and complete jurisdiction of the causes and parties and the full and complete administration of justice, and to carry into effect their judgments, orders and other determinations, subject to ~~reexamination~~ review by the court of appeals or the supreme court as provided by law. ~~Said~~ The courts and the judges thereof have power to award all such writs, process and commissions, throughout the state, returnable in the proper county.

**753.04 Writs, how issued; certiorari.** All writs issued from the circuit court shall be in the name of the state of Wisconsin, shall bear date the day they are issued, be attested in the name of the judge of the circuit in which issued, and if there ~~be~~ is no such judge then in the name of the chief judge of the court of appeals or the chief justice of the supreme court, be returnable on the first day of the term next succeeding the date of their issue, unless otherwise directed by law, by the judge or by rule of court, be signed by the clerk, sealed with the seal of the court and directed to some officer or person authorized to serve or execute the ~~same~~ writs. All writs of certiorari issued to review any action taken by any county board, town board, common council of any city or board of trustees of any village, or any record lawfully in the custody of any county clerk, town clerk, city or village clerk may be addressed to and served upon the proper county clerk, town clerk, city clerk or village clerk, respectively, who shall make return thereto.

753.075 (1) POWERS. Retired supreme court justices, court of appeals judges and retired circuit judges serving temporarily as circuit judges or county judges at the request of the chief justice of the supreme court may exercise all of the jurisdiction of the circuit court or county court in which they serve.

(3) SERVICE AS HEARING OFFICER. Retired supreme court justices, retired court of appeals judges and retired circuit court judges may be appointed by the governor to serve as independent hearing officers under ss. 150.09 to 150.46. Subsection (2) shall apply except that the compensation shall be paid by the department of health and social services.

**753.12 Transmittal of papers.** For the purpose of the trial or hearing of any action or proceeding at any special term the clerk of the court shall, at the request of either of the parties, transmit all the papers on file in ~~such~~ the action or proceeding, under ~~his~~ the clerk's official certificate, certifying the same to be all the original files and papers therein on file in his or her office. ~~Such~~ The papers, so certified, shall be inclosed by ~~such~~ the clerk in an envelope, sealed by him or her, directed to the clerk of the circuit court of the county where ~~such~~ the special term is to be or is being held,

and may be transmitted by mail or by the hand of any person selected by ~~such the~~ clerk; and after the trial or hearing of ~~such the~~ action or proceeding the clerk ~~last above named shall in like~~ of the county where the special term is to be or is being held shall in a similar manner remit the ~~same papers~~ to the clerk of the court in which ~~such the~~ action or proceeding is pending; ~~but before.~~ Before any clerk shall be obliged to transmit any such papers he or she shall be paid all necessary postage, and the clerk remitting the same shall also be paid his or her fees in ~~such the~~ action or proceeding.

753.14 (1) In each county the circuit and county judges shall appoint such number of court commissioners as the proper transaction of business requires subject to the following exception: in counties having a population of 200,000 or more each judge may appoint not more than 2 such commissioners and in counties having a population of less than 200,000 each judge shall, as nearly as possible, appoint an equal number of commissioners within the county. In all counties ~~such the~~ appointments shall be subject to the approval of a majority of the circuit judges of ~~such the~~ county and a majority of the county judges of ~~such the~~ county. Appointments shall be in writing and shall be filed in the office of the clerk of the circuit court. All court commissioners appointed after May 1, 1953, other than official court reporters or persons who have served as official court reporters in any court of record in this state for a period of not less than 5 years, shall be attorneys licensed to practice in this state except in counties where a sufficient number of such licensed attorneys are not available. Each judge shall have power at will and without cause to remove any court commissioner appointed by ~~him or by his~~ the judge or the judge's predecessor in office. The term of each court commissioner, unless removed by the judge, shall continue until the expiration of the term of the judge who appointed him or her and until the successor of ~~such the~~ commissioner is appointed and qualified. Each commissioner before entering upon the duties of ~~his~~ office shall take and subscribe the constitutional oath of office and file the same duly certified, together with his or her appointment, in the office of the clerk of the circuit court of the county for which he or she is appointed.

753.15 (2) (title) CERTIFICATION OF RECORD FOR REVIEW OF RULINGS. The commissioner may at any time certify the record taken on a deposition to the court for review of such of his or her rulings as he or she indicates; ~~he the commissioner~~ shall certify it on motion of a party at the conclusion of the taking, noting the rulings which either party desires reviewed. If the court orders a person to answer questions which were not answered on the deposition, ~~such the~~ matters may be further developed on return of the record.

(3) ACKNOWLEDGMENTS, ETC. ~~He~~ The commissioner may take and certify acknowledgments; state accounts referred to him or her by the court; and fix the amount and sufficiency of bail.

(4) WRITS. ~~He~~ The commissioner may allow writs of habeas corpus, certiorari, ne exeat and alternative writs of mandamus; and may grant injunctions except in the cases mentioned in ~~section s.~~ 133.07 (2).

(5) POWER AND RESTRICTIONS ON POWER TO MAKE ORDERS. ~~He~~ The commissioner has the powers and is subject to the restrictions thereon of a circuit judge at chambers; ~~but when.~~ If the authorization is to the presiding judge or the circuit judge — using such words of designation — a court commissioner ~~cannot shall not~~ act.

(6) PUNISH CONTEMPTS. ~~He~~ The commissioner has power concurrent with that of a circuit judge at chambers to punish disobedience of his or her lawful orders made in proceedings pending before him or her, but subject to review by the court in which the proceeding is pending.

(7) RECORD OF PROCEEDINGS; WHEN FILED. ~~He~~ The commissioner shall keep a record of proceedings before him or her and at the expiration of his or her term shall deliver ~~such the~~ record and all his or her official papers to the clerk of the circuit court.

(8) MUNICIPALITIES EXTENDING INTO 2 COUNTIES. A court commissioner who resides in a city or village which is located partly in one county and partly in another may keep his or her office and exercise ~~his~~ authority as commissioner and enforce ~~his~~ orders anywhere in ~~such the~~ city or village as well as throughout the county of his or her residence, the same as ~~he~~ the commissioner could do if the city or village was entirely in the county in which he or she resides.

(10) GENERAL PROVISION. ~~He~~ The commissioner shall perform other duties required of him or her by the circuit court or which are proper for the exercise of powers expressly granted.

753.152 (2) In a county which constitutes an entire circuit a court commissioner may order a party charged with contempt for disobeying an order made in supplementary proceedings to show cause in the court why ~~he~~ the party should not be punished for contempt; ~~which.~~ The order to show cause shall be served by the sheriff.

**753.16 Commissioners' powers of county judges.** Every county judge shall have and may exercise in his or her county all the powers and perform all the duties of a court commissioner as ~~defined specified~~ in ~~section 252.15 s.~~ 753.15; and every authority granted to, or limitation of the powers of, a court commissioner by these statutes shall be construed to extend to the county judge, acting in such capacity except ~~when if~~ otherwise expressly provided.

753.17 (7) Every order for the examination of a witness conditionally or upon any proceedings to perpetuate his or her testimony, 25 cents.

(8) Attendance upon the taking of testimony or examination of witnesses in any matter or proceeding whatever, whether acting as a referee or otherwise, \$15 for the first 2 hours thereof and \$5 per hour thereafter, and also 75 cents per page for the original transcript of the testimony so taken and 30 cents per page for each copy thereof. For purposes of this section a page other than the final page of a transcript shall consist of any 25 or more consecutive typewritten lines, double-spaced, on paper not less than 8-1/2 inches in width, with a margin of not more than 1-1/2 inches on the left and 5/8 of an inch on the right, exclusive of lines disclosing page numbering; type shall be standard pica with 10 letters to the inch. Questions and answers shall each begin a new line. Indentations for speakers or paragraphs shall be not more than 15 spaces from left margin. The commissioner shall be paid \$15 and the reporter shall be paid \$10 per day for the attendance at each examination or adjourned hearing whether or not evidence is taken, but no attendance fee ~~shall~~ may be paid to the reporter where the testimony taken at any examination or adjourned hearing results in a total page charge of \$10 or more for the original transcript. Where the reporter is present, no motion for adjournment ~~shall~~ may be granted unless the movant first pays the reporter's and commissioner's attendance fee. No attendance fee ~~shall~~ may be allowed to a court reporter whose salary is paid in whole or in part by the state while taking testimony in the normal course of ~~his~~ official duties. Out of fees charged by the court commissioner under this subsection he or she shall be obligated to pay the reporter 45 cents per page for the original transcript and 25 cents per page for each copy. The attorney requesting the examination shall be directly responsible to the court commissioner for the payments of all fees except for the fees to be paid by a party requesting an adjournment. The attorney requesting the examination shall be directly responsible to the court commissioner for the payment of the original transcript of testimony costs and any attorney ordering a copy of the transcript shall be directly responsible for the payment of ~~same~~ the costs to the court commissioner. Original of the testimony shall be filed by the commissioner only after payment of the commissioner's and reporter's fees. All moneys collected by the court commissioner ~~pursuant to~~ under this section which are payable to the court reporter shall be held in trust by the commissioner, and the commissioner shall make payment forthwith of the moneys to the court reporter. The reporter shall enter into the transcript the time of commencement and conclusion of the hearing.

(21) For every report and all other papers and proceedings which ~~he~~ the court commissioner may be required by law to prepare, in order to be signed by ~~himself~~ the

court commissioner, in cases where no specific allowance ~~shall have been~~ is made for ~~such the~~ paper or proceeding, for drafting the ~~same paper or proceeding~~, 20 cents for each folio, and for copying, 7 1/2 cents for each folio.

753.18 (1) (a) Every circuit judge may, ~~in his discretion~~, appoint a competent phonographic reporter for the circuit or the branch of a circuit, as the case may be, for which he or she was elected or appointed; ~~and when he shall deem it necessary he~~. The judge may appoint one or more competent assistant reporters provided ~~he the~~ judge has the approval of the administrative director of courts. The appointing judge or ~~his the judge's~~ successor may remove any such reporter or assistant reporter at pleasure and appoint a successor. Every person so appointed as reporter or assistant reporter is an officer of the court and shall take and file the official oath. ~~When~~ If so qualified every reporter and every assistant reporter shall be authorized to act in any circuit court in the state. Every reporter shall attend upon the terms of court in the circuit or branch for which ~~he is~~ appointed and, when requested by the judge appointing him or her, upon the sessions of court presided over in other counties by ~~such the~~ judge, and shall discharge such other duties as the court or judge thereof requires; ~~and every~~. Every assistant reporter shall attend upon the court for which ~~he~~ is appointed, whenever requested so to do by the circuit judge.

SECTION 93. Chapter 253 of the statutes, as affected by chapter 135, laws of 1977, is renumbered chapter 754, and 754.015 (1), (2) and (5), 754.07 (1) (intro.), 754.08 (1), (3) and (4), 754.145, 754.16 (4), 754.18 (3), 754.31 (1), 754.32 (1) and (9), 754.33 (1) (a), 754.34 (2) (a) and (3), 754.344, 754.345, 754.35 (3) to (5), 754.36 and 754.40, as renumbered, are amended to read:

754.015 (1) Menominee county shall not be organized separately for county court purposes, but shall be a part of a joint Shawano--Menominee county court, which constitutes a single judicial district. Such The court shall have 2 divisions: the Shawano county division and the Menominee county division. No county judge for Menominee county ~~shall may~~ be elected separately, but the duly elected judges of the Shawano--Menominee county court shall serve as county judges of the district. The books, papers and records of the office of ~~such the~~ county judges shall be kept at the county seat of the county in which each has his or her principal office or, at the discretion of the county judges, at either or both county seats.

(2) The judge of Shawano--Menominee county court, branch one, may appoint a register in probate for each of the 2 divisions of the county court, or may appoint one register in probate to serve both divisions. If a separate register in probate is appointed for the Menominee county division, he or she may be the same person who is the duly elected clerk of circuit court for Menominee county. If one register in probate serves for both the Shawano and Menominee county divisions of the county court, the office of ~~such the~~ register in probate shall be in the city of Shawano.

(5) The county boards of Menominee county and Shawano county shall enter into an agreement prorating the joint expenditures involved in conducting the joint county court, and for such purposes the county board of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to pay its share of ~~such the~~ expenses; but no portion of the initial cost, or amortization of debt on the Shawano county courthouse or repair, maintenance, or improvement of the same or items which are taxable costs between the parties shall be included as a joint expenditure for proration purposes. If the 2 county boards are unable to agree on prorating the joint expenditures involved, then the judge of the circuit court for the 10th circuit shall, under appropriate notice and hearing, determine the prorating of ~~such the~~ expenditures, on the basis of the volume and character of work and responsibilities, to each county, under such procedure as ~~he the judge~~ prescribes.

754.07 (1) (intro.) Every county judge shall receive from the state the salary specified for ~~him the judge~~ in s. 20.923.

754.08 (1) (title) WHEN SERVING AWAY FROM SEAT OF COURT. A county judge shall be reimbursed by the county for ~~his~~ actual and necessary itemized expenses

incurred in the discharge of judicial duty away from the permanent seat of his or her court but within the county for which ~~he is~~ elected.

(3) WHEN SERVING IN ANOTHER COUNTY OR ATTENDING MEETINGS. A county judge shall be reimbursed by the state, upon approval by the administrative director of courts, for ~~his~~ actual and necessary expenses incurred in the discharge of judicial duty in a county other than the one for which ~~he is~~ elected, and incurred when attending meetings of the boards of criminal court judges and county judges and of committees thereof.

(4) OTHER DUTIES. The county judge who is acting as ~~chairman~~ chairperson of the board of county judges shall be reimbursed by the state, upon approval by the administrative director of courts, for ~~his~~ actual and necessary expenses, incurred in the performance of ~~his~~ duties as ~~chairman~~ chairperson and the county judge who is designated by the board of county judges to serve on the administrative committee under s. ~~257.15~~ 758.15 shall be reimbursed by the state for ~~his~~ actual and necessary expenses, incurred in the performance of ~~his~~ duties on this committee.

**754.145 Matters to circuit court if beyond county court jurisdiction.** If an action or special proceeding is brought in the county court which is not within the subject matter jurisdiction of that court, the action or special proceeding shall not be dismissed for lack of jurisdiction of the subject matter but shall be transferred by order of the county court to the circuit court of the same county. All process, pleadings and other papers and copies of all entries and minutes of the clerk shall be certified by ~~him~~ the clerk and filed with the circuit court.

754.16 (4) When court is held in a city or village located partly in the county for which the judge was elected and partly in another, the judge may hold court for his or her county, except for trials of criminal offenses, anywhere in that city or village, the same as ~~he~~ the judge could if it were entirely within the county for which he or she was elected.

754.18 (3) Regardless of the name given to a particular branch or the type of cases assigned to it, the judge of that branch shall handle other matters assigned to him or her as time permits.

754.31 (1) In each county, the county judge, or in multibranch courts the judge of branch No. 1 shall appoint and may remove a register in probate, who, before entering upon ~~his~~ duties, shall take and subscribe the constitutional oath of office and file it, together with the order of appointment, in the office of the clerk of circuit court.

754.32 (1) File and keep all papers properly deposited with him or her unless required to transmit such papers.

(9) In counties having a population of 500,000 or more, the register in probate shall be the department head as to all personnel, procurement, budget and related matters with reference to his or her office as register in probate of branches Nos. 1 and 2 of the county court. The register in probate shall appoint ~~pursuant to~~ under ss. 63.01 to 63.16 as many deputy clerks as may be authorized by the county board for branch No. 1 and branch No. 2 of the county court, provided that ~~such~~ the appointment shall be approved by the judge of the branch which ~~such~~ the deputy shall serve. ~~Such~~ The deputy clerks shall aid the register in probate and deputy registers in probate in the discharge of their duties.

754.33 (1) (a) May make orders for hearings when the judge is away from the county seat or unable to discharge ~~his~~ duties or when given authority in writing by the judge and an application is made to the court in a proceeding under Title ~~XLII-B~~ XLII-N requiring notice of hearing. The order and notice when signed "by the court, ..., register in probate" has the same effect as if signed by the judge.

754.34 (2) (a) U.S. government bonds which by their terms are payable to another person upon death of the original registered owner are included in his or her gross estate and not subject to the fee for terminating a life estate.



(3) The register in probate shall, on the first Monday of each month, pay into the office of the county treasurer all fees collected by him or her and in his or her hands and still unclaimed as of ~~said that~~ day. Each county treasurer of a county having a population under 500,000 shall make a report under oath to the state treasurer on or before the ~~fifth~~ 5th day of January, April, July and October of all fees received by him or her under sub. (1) (a) to (e) up to the first day of each of ~~said those~~ months and shall at the same time pay ~~65 per cent~~ % of ~~such the~~ fees to the state treasurer for deposit in the general fund. Each county treasurer shall retain the balance of fees received by him or her under this section for the use of the county. In counties having a population of 500,000 or more all fees paid under this section shall be kept for use by the county.

**754.344 Register in probate may be appointed deputy clerk.** With the written approval of the county judge or, in multibranch county courts, of the judge of branch No. 1 of the county court, and of the judge or judges of the circuit court, the clerk of circuit court may appoint the register in probate a deputy clerk. Appointments by the clerk under this section shall be revocable by ~~him~~ the clerk at pleasure. ~~Such~~ The appointments and revocations shall be in writing and shall be filed in the clerk's office.

**754.345 County court reporters as registers in probate.** County court reporters may be appointed registers in probate or deputy registers by the county judge, except that in multibranch county courts the appointment shall be by the judge of branch No. 1 of the county court, with the consent of the judge of the branch in which the reporter serves. Appointments by the county judge under this section shall be revocable by ~~him~~ the judge at pleasure. Appointments and revocations shall be in writing and shall be filed in the office of the register in probate.

754.35 (3) In counties having a population of less than 500,000, every reporter appointed under sub. (1) shall receive from the state the salary specified ~~for him~~ in s. 20.923 (7). The county for which each reporter is appointed shall monthly reimburse the state for one twenty-fourth of ~~his the~~ salary as described in s. 20.923 (7) and one twenty-fourth of the annual employer contributions paid on behalf of the county court reporters under s. 41.07 (3). The county may pay an equal amount to each county court reporter in addition to that specified in s. 20.923 (7). If 2 counties share a single reporter, each shall reimburse the state for one-half of the amount under this subsection. Compensation paid to any assistant reporter appointed under sub. (1) shall be paid by the county.

(4) In counties having a population of 500,000 or more every reporter appointed under sub. (1) shall receive the salary specified ~~for him~~ by s. 20.923 (7), directly from the county. The state shall monthly reimburse the county for one twenty-fourth of ~~his the~~ salary specified in s. 20.923 (7), for one-half of the employer contributions of each reporter who is a member of the retirement system under chapter 201, laws of 1937, to the extent of ~~such the~~ salary and for one-half of the employer social security contributions for the reporter. The county may pay each county court reporter compensation in addition to that specified in s. 20.923 (7), but ~~such the~~ additional compensation shall be the same for each such reporter. All reporters of the district, civil, county and children's court of ~~such the~~ county who have civil service status in ~~such the~~ county on December 31, 1961, shall retain ~~such the~~ status as reporter in the county court. ~~Such~~ The reporters who are members of the county employes' retirement system on ~~said that~~ date shall remain as members subject to all provisions of the retirement system law included in chapter 201, laws of 1937, as amended, and all such reporters thereafter appointed shall likewise be members of ~~said the~~ system. ~~In no event shall any of the aforesaid~~ The reporters shall not be considered members of the Wisconsin retirement system.

(5) Every reporter appointed under sub. (1) shall furnish to any party a transcript of the testimony taken by ~~him~~ the reporter in any matter or proceeding in the manner and for the fees provided in s. ~~256.57~~ 757.57.

**754.36 County court reporters as deputy clerks.** A county court reporter or assistant reporter may be appointed a deputy clerk by the clerk of circuit court with the written

approval of the county judge of the branch in which he or she serves, and of the judge or judges of the circuit court. Appointments by the clerk under this section shall be revocable by him the clerk at pleasure. Appointments and revocations shall be in writing and shall be filed in the clerk's office.

**754.40 Office and records to be kept at county seat.** Except in branches Nos. 3 and 4 of the Rock county court, every county judge in this state shall maintain in his or her office the books, papers and records of the county court at the county seat of the county in which ~~he~~ the judge holds his or her office, which office and the books, papers and records thereof shall at all reasonable times be open to access and inspection by any person having any business therewith except as otherwise provided by law. Originals of judgments or orders made ~~pursuant to~~ under county court jurisdiction, of branches Nos. 3 and 4 of the Rock county court in Beloit, shall be kept at the county seat.

SECTION 94. Chapter 254 of the statutes is renumbered chapter 755, and 755.03, 755.04, 755.05, 755.08, 755.09, 755.14 (1) (intro.), 755.15 and 755.16, as renumbered, are amended to read:

**755.03 Oath and bond.** (1) The justice shall, after ~~his~~ election or appointment to fill a vacancy, take and file the official oath as prescribed in s. ~~256.02~~ 757.02 (1) and at the same time execute and file an official bond in an amount to be fixed by the governing body. No justice ~~shall~~ may act as such until his or her oath and bond have been filed. The oath and bond shall be filed as required by s. 19.01 (4) (c).

(2) The clerk of the circuit court shall within 10 days after the filing with him or her of ~~said the~~ the oath and bond, execute and mail to the clerk of the city, town or village, ~~wherein such~~ where the justice was elected, a certified copy of ~~said the~~ the bond, which certified copy shall be filed by ~~said the~~ the city, town or village clerk, and preserved in his or her office, and the same shall be presumptive evidence of its execution by ~~such the~~ the justice and his or her sureties.

**755.04 Salary and fees.** The governing body shall fix a salary for ~~such the~~ the justice which shall be in lieu of fees and costs. Fees and taxable costs shall be paid into the municipal treasury as the governing body directs. The salary may be increased by the governing body before the start of the 2nd or a subsequent year of service of the term of the justice, but shall not be decreased during a term. Salaries may be paid annually or in equal instalments as determined by the governing body, but no justice ~~shall~~ may be paid a salary for any time during ~~his the~~ the term during which ~~such the~~ the justice has not executed his or her official bond or official oath, as required by s. ~~254.03~~ 755.03, and filed ~~pursuant to~~ under s. 19.01 (4) (c).

**755.05 Territorial jurisdiction.** Every justice has countywide jurisdiction. If elected in a city or village lying in more than one county, ~~he the~~ the justice shall qualify and have jurisdiction in each, the same as though the municipality lay wholly therein, and may hold court in one county while exercising jurisdiction in the other.

**755.08 Illness or absence of justice.** If any justice is to be absent or if he or she is sick or disabled, ~~he the~~ the justice may by written order filed in his or her court designate another municipal justice of the county to perform his or her duties or ~~he the~~ the justice may deliver his or her docket and all papers relating to any pending action to the county court of the county. When the incumbent justice is incompetent, unable or fails to act, the mayor, village president or town chairman may call in another justice or transfer the case. The parties, their agents or attorneys, shall be notified of the transfer prior to trial. The justice called in or the judge to whom the case is transferred may, while the docket remains in his or her possession, issue execution upon or give a certified transcript of any unsatisfied judgment appearing therein.

**755.09 Office, where kept.** (1) Every justice shall keep his or her office and hold court only in the municipal hall of the town, village or city in which ~~he was~~ elected or if no room is available in the municipal hall, the governing body may authorize him or her to temporarily keep ~~his~~ office and hold court elsewhere in the municipality, other

than at a place prohibited under sub. (2). ~~He~~ The justice may issue process or perform ministerial functions at any place in the county.

(2) No justice ~~shall~~ may keep his or her office or hold court in any tavern, or in any room in which intoxicating liquors are sold, or in any room connecting therewith. For any violation of this section the justice shall forfeit \$25 but the violation of the subsection does not make any order or judgment void.

(3) No justice ~~shall~~ may hold court or keep his or her office with a practicing attorney unless the attorney is his or her law partner, and the partner shall not act as attorney before ~~such~~ the justice.

755.14 (1) (intro.) When the municipal clerk receives the docket, books of account and case files of a municipal court which has ceased to operate, he or she shall within 10 days dispose of them as follows:

**755.15 Pending actions triable by court which receives books.** When any action is pending before a justice at the time his or her office becomes vacant and his or her books and papers have been delivered to the county court, it may try the action and enter judgment as though the action was begun before it.

**755.16 Continuance on vacancy; notice of trial.** All actions before any justice undetermined or appealable when his or her office becomes vacant are continued until the expiration of 10 days from the time when his or her books and papers were delivered to the county court. The court shall give 3 days' notice to the parties to the action.

SECTION 95. Chapter 255 of the statutes, as affected by chapters 26 and 29, laws of 1977, is renumbered chapter 756, and 756.03 (4), 756.031, 756.041, 756.05, 756.08, 756.09, 756.13 (2) and (3), 756.14, 756.16, 756.20, 756.21, 756.23 and 756.24, as renumbered, are amended to read:

756.03 (4) The commissioners shall meet at such times as the discharge of their duties requires and at such times as the appointing judge or judges or any of them shall direct. Two commissioners shall constitute a quorum. They may subpoena any person to appear before them within the town, village or city ~~wherein such~~ where the person resides for examination as to any person's qualifications for jury service, and may compel the person to give testimony under oath. The commissioners may investigate by inquiries at any person's place of business, residence, or elsewhere, or by other means, his or her reputation, character and fitness for jury service. All public officers and employes shall furnish the commissioners, upon their request, ~~such~~ the records and assistance as the commissioners deem proper to perform their duties.

**756.031 Official malfeasance in preparing jury list.** Any person who ~~shall ask or solicit~~ asks or solicits any jury commissioner appointed ~~pursuant to~~ under s. ~~255.03~~ 756.03, or the sheriff or other officer to select him or her or any other person, or place his or her name or the name of any other person on any list as a grand or petit juror in any court, and any such jury commissioner or sheriff or other officer who ~~shall select~~ such selects the person or ~~place~~ places his or her name upon any such list upon such solicitation shall be ~~punished by imprisonment in the county jail~~ fined not more than \$100 or imprisoned not more than 6 months ~~or by fine not exceeding \$100.~~

**756.041 Penalty upon clerk for fraud.** If the clerk of any court shall be guilty of any fraud, either by practicing on a jury tumbler previously to a draft, or in drawing a juror, or in returning into the tumbler the name of any juror which had been lawfully drawn out, and drawing or substituting another in his ~~stead~~ or her place, or in any other way, or in the drawing of jurors, he or she shall forfeit for each ~~such~~ offense not less than \$50 nor more than \$500.

**756.05 Insufficient number of jurors.** Whenever after the expiration of the time prescribed for the drawing of petit jurors for the next regular term or during any term of court there is a partial or entire absence of jurors of the regular or reserve-panel or both, from any cause whatever, or whenever it becomes apparent to the court or the trial judge that the regular panel and the reserve-panel as drawn will not be sufficient to provide a jury for a particular cause to be tried at the current or next term of court,

the court or judge may order the clerk, in his or her presence, to draw immediately from the tumbler a sufficient number of names, specifying the number, to fill the regular panel or a ~~less~~ lesser or larger number as the public interest and the condition and character of the business shall require. Whenever the list of names furnished any such court has been depleted the commissioners shall supply other names so that there will not be less than 150 nor more than 1,000 names in the tumbler at the time any drawing of jurors takes place. ~~Such The~~ names shall be written on cards which shall be placed in envelopes and put into the tumbler as ~~hereinbefore~~ provided under s. 756.04 (2).

**756.08 Venires, when and how issued.** The clerk shall, at least 12 days before the first day of the term or at least 12 days before the first day on which a jury is required to be present, issue and deliver to the sheriff of ~~said the~~ county a venire for the petit jury, under the seal of the court, commanding ~~him the~~ sheriff to summon the persons so drawn as jurors to appear before the ~~said~~ court at 10 o'clock in the forenoon on the first day of the term thereof or at such other time as has been fixed by the presiding judge of ~~said the~~ court, to serve as petit jurors. And when ordered to draw a grand jury, as provided by law, ~~he the~~ clerk shall in like manner issue and deliver a venire commanding the sheriff to summon the persons so drawn as grand jurors to appear before the ~~said~~ court at the time specified in the order.

**756.09 Jurors; how summoned; sheriff's return.** The sheriff shall summon the persons named in ~~such the~~ venires to attend ~~such the~~ court as grand or petit jurors, as the case may be, by giving personal notice to each person or by leaving a written notice at his or her place of residence with some person of proper age or by sending a written notice to each person by registered mail. ~~He The~~ sheriff shall return ~~such the~~ venires to the court at the opening thereof, specifying those who were summoned and the manner in which each person was notified. Petit jurors on the regular panel and grand jurors shall be summoned at least 4 days before the sitting of the court. Petit jurors on the reserve-panel and additional petit and grand jurors drawn shall be summoned within ~~such the~~ time as the court shall direct and all special venires shall be executed by the officer to whom delivered according to the command thereof.

756.13 (2) Before assuming the duties ~~herein~~ prescribed in this section, each reporter shall make and file an oath faithfully to record and transcribe all the proceedings before ~~such the~~ grand jury and to keep secret the matters relative to ~~such the~~ proceedings. ~~He or she~~ shall be paid out of the county treasury of the county in which the service is rendered such sum for ~~his~~ compensation and expenses as shall be audited and allowed as reasonable by the court ordering ~~said the~~ grand jury. Each reporter may employ on his or her own account the assistance of a competent typist to transcribe the testimony and proceedings of the grand jury, but before entering upon ~~his~~ duties ~~hereunder~~ such under this section the typist shall be required to make and file an oath similar to that required of each reporter.

(3) Every stenographic reporter and every typewriter operator who takes and violates the oath required of ~~him~~ by ~~s. 255.13~~ this section, shall, upon conviction thereof, be ~~punished by imprisonment in the state prison~~ imprisoned not less than one nor more than 5 years.

**756.14 Oaths to witnesses.** The foreman of every grand jury, district attorney or other prosecuting officer who shall be before ~~them the~~ grand jury shall have authority to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before ~~such the~~ jury for the purpose of testifying in any matter of which they have cognizance; and the foreman shall return to the court a list, under his or her hand, of all witnesses who shall have been sworn before the grand jury during the term, and the same shall be filed by the clerk.

**756.16 Attendance; absence; excuse; number required for grand jury session; number required to concur in indictment.** Each grand juror shall attend every session of the grand jury unless excused by the foreman. The foreman may excuse a grand juror from attending a grand jury session only for a reason which appears to the foreman in his or her discretion as good and sufficient cause for ~~such the~~ excuse. No business

~~shall~~ may be transacted at any session of the grand jury at which less than 14 members of the grand jury are in attendance and no indictment ~~shall~~ may be found by any grand jury unless at least 12 of their number shall concur ~~therein~~ in the indictment.

**756.20 Votes not to be disclosed.** No grand juror ~~shall~~ may be allowed to state or testify in any court in what manner he or she or any other member of the jury voted on any question before them, or what opinion was expressed by any juror in relation to ~~such~~ the question.

**756.21 When testimony may be disclosed.** Members of the grand jury and any grand jury reporter may be required by any court to testify whether the testimony of a witness examined before ~~such~~ the jury is consistent with or different from the evidence given by ~~such~~ the witness before ~~such~~ the court; and they may also be required to disclose the testimony given before the grand jury by any person upon a complaint against ~~such~~ the person for perjury, or upon ~~his~~ her trial for ~~such~~ the offense. Any transcript of testimony taken before the grand jury and certified by a grand jury reporter to have been carefully compared by ~~him~~ the reporter with his or her minutes of testimony so taken and to be a true and correct transcript of all or a specified portion of the ~~same~~ transcript, may be received in evidence with the same effect as the oral testimony of ~~such~~ the reporter to the facts so certified, but ~~such~~ the reporter may be cross-examined by any party as to ~~such~~ the matter.

**756.23 Fine for nonattendance.** If any person lawfully summoned to attend as a juror in any court of record ~~shall neglect~~ neglects to attend, without any sufficient excuse, he or she shall pay a fine not exceeding \$40, which shall be imposed by the court to which the juror was summoned and shall be paid into the county treasury.

**756.24 Jurors, how paid.** The clerk of the court whenever a juror ~~shall be~~ is discharged, or at the end of each term of court, or within 10 days thereafter, shall make out a certificate to each juror attending the court, certifying the number of days' attendance, the number of miles traveled, and the amount of compensation due him or her, and every such juror shall make affidavit ~~thereto~~ to and receipt for ~~same~~ the certificate, before it shall be delivered to him or her, and thereupon the county treasurer shall pay the amount thereof out of the county treasury. In counties having a population of 500,000 or more and containing an entire judicial circuit, for which more than one judge is provided by law, ~~such~~ the affidavit may be executed and sworn to before the calendar clerk or one of his or her assistants.

SECTION 96. Chapter 256 of the statutes, as affected by chapters 26, 29, 54 and 135, laws of 1977, and the supreme court orders effective July 1, 1977, January 1, 1978, and July 1, 1978, is renumbered chapter 757, and 757.02 (1) and (2), 757.025, 757.14, 757.19 (1), 757.22 (1), (2) and (3), 757.23, 757.26, 757.27 (1) and (3), 757.28 (1) (a) and (b), (2) and (3), 757.285 (3), 757.287 (1), (2) and (3) (a) and (e), 757.29 (2), 757.293 (1) and (2), 757.30 (1) to (3), 757.36, 757.37, 757.40, 757.46, 757.48 (1) and (3), 757.49, 757.57 (5) and (6), 757.58 (2), 757.66 and 757.68 (1), (2) and (3) (a) and (b) 1 and 2, as renumbered, are amendeded to read:

757.02 (1) Every person elected or appointed justice of the supreme court, ~~or judge of the court of appeals~~, judge of the circuit or county court, or municipal justice, shall take, subscribe, and file the following oath:

STATE OF WISCONSIN,  
County of ....

I, the undersigned, who have been elected (or appointed) to the office of ...., but have not yet entered upon the duties thereof, do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin; that I will administer justice without respect to persons and will faithfully and impartially discharge the duties of said office to the best of my ability. So help me God.

.... (Signature)

Subscribed and sworn to before me this .... day of ...., 19...

.... (Signature)

(2) The judge of any court of record in this state shall be ineligible to hold any office of public trust, except a judicial office, during the term for which he or she was elected, or appointed.

**757.025 Judge to file affidavit as to work done to receive salary.** (1) No judge of a court of record ~~shall~~ may receive or be allowed to draw any salary, unless he or she first executes an affidavit stating that no cause or matter which has been submitted in final form to his or her court remains undecided that has been submitted for decision for 90 days, exclusive of the time that he or she has been actually disabled by sickness or unless extended by him the judge under sub. (2). The affidavit shall be presented to and filed with every official who certifies in whole or in part, the judge's salary.

(2) If a judge is unable to complete a decision within the 90-day period specified in sub. (1), ~~he the judge~~ shall so certify in the record and the period is thereupon extended for one additional period of not to exceed 90 days.

**757.14 Sittings, public.** The sittings of every court shall be public and every citizen may freely attend the same, except ~~when~~ if otherwise expressly provided by law on the examination of persons charged with crime; provided, that when in any court a cause of a scandalous or obscene nature is on trial the presiding judge or justice may, ~~in his discretion,~~ exclude from the room where the court is sitting all minors not necessarily present as parties or witnesses.

757.19 (1) In this section, "judge" includes the supreme court justices, court of appeals judges, circuit and county court judges and municipal justices.

757.22 (1) No judge, while holding ~~such~~ such office, ~~shall~~ may be in any manner engaged or act as attorney or counsel; and no judge or his or her clerk or any person employed by him the judge in or about his or her office, court commissioner or other judicial officer shall be allowed to give advice to parties litigant in any matter or action pending before ~~such the~~ such the judge or officer, or which ~~he the judge~~ he the judge has reason to believe will be brought before him or her for decision, or draft or prepare any papers, including wills, or other proceedings relating to any such matter or action except when expressly authorized by law; and no court commissioner or other judicial officer ~~shall~~ may be allowed to demand or receive any fees or compensation for services as such commissioner or judicial officer, except those expressly authorized by law, upon penalty, for any violation hereof, of removal from office.

(2) No practicing attorney ~~shall~~ may hold ~~his~~ his office in the office of the clerk of any court in which he or she practices nor ~~shall~~ may he or she hold ~~his~~ his office in the same room with a judge.

(3) No practicing attorney ~~shall~~ may have his or her office in the same room with any district attorney, municipal justice or court commissioner, unless he or she is a partner of ~~such the~~ such the district attorney, municipal justice or court commissioner, in which case he or she shall not practice as an attorney before ~~such the~~ such the municipal justice or court commissioner nor act as attorney in any case in which it is the duty of ~~such the~~ such the district attorney to appear or prosecute for the state; except that the law partner of any district attorney may, at the request of the district attorney, without fee or compensation therefor, assist the district attorney in the prosecution of any case on the part of the state.

**757.23 Court commissioner, when disqualified.** A court commissioner, or any judge acting as ~~such a court commissioner~~, shall not act or take part in the decision of, or make any order in any matter or proceeding in which he or she is a party, or in which his or her rights would be in any manner affected by his or her decision or order thereon, or in which he or she is interested, or in which his or her law partner, or any person connected with him or her as employer, employee, or clerk, or in the law business in any manner, shall be interested or appear as a party, agent, attorney or counsel. Any court commissioner, or judge, acting as ~~such a court commissioner~~, violating this section shall forfeit ~~twenty-five dollars~~ \$25 for each ~~such~~ violation, and shall also be subject to removal from office.

**757.26 Court officers, liability of to arrest.** The officers of the several courts of record shall be liable to arrest and may be held to bail in the same manner as other persons, except during the actual sitting of any court of which they are officers; and when sued with any other person such officers shall be liable to arrest and may be held to bail as other persons during the sitting of the court of which they are officers; ~~but no.~~ No attorney or counselor ~~shall~~ may be exempt from arrest during the sitting of a court of which he or she is an officer unless he ~~shall be~~ or she is employed in some case pending and then to be heard in ~~such~~ the court.

757.27 (1) AUTHORIZED. Every person of full age and sound mind may appear by attorney in every action or proceeding by or against ~~him~~ the person in any court except felony actions, or may, ~~at his election,~~ prosecute or defend the ~~same~~ action or proceeding in person.

(3) SUBSTITUTION OF ATTORNEYS. No order for the substitution of an attorney for a party ~~shall~~ may be made without consent signed by ~~such~~ the party and his or her attorney; or for cause shown and upon such terms as shall be just, and on such notice as the court or judge shall direct.

757.28 (1) (a) Every person 21 years of age or over and of good moral character who is a citizen of the United States, a resident of this state and a graduate of a law school in this state which law school at the time of ~~his~~ the person's graduation was approved by the American bar association, as shown by the record of the clerk of the supreme court, and who has met the requirements of ~~sub. (1)~~ par. (b) shall be admitted to practice law in this state by the supreme court and, when such court is not in session, by one of the justices thereof, by an order signed by ~~such~~ the justice and filed with the clerk of ~~said~~ the court.

(b) To be admitted on the diploma privilege, every applicant must present to the clerk of the supreme court his or her diploma and a certificate of the law school at which he or she completed ~~his~~ formal law studies, showing the courses completed and the semester credits earned and stating that according to the official academic records of such school the applicant has satisfactorily completed at least the minimum of legal studies required for the first degree in law and the total semester hours were not less than 84; and such studies included not less than 60 semester hours of accredited study, satisfactorily completed in regular courses having as their primary and direct subject matters the study of rules and principles of substantive and procedural law as they may arise in the courts and administrative agencies of the United States and this state in the areas generally known as: administrative law, appellate practice and procedure, commercial transactions, conflict of laws, constitutional law, contracts, corporations, creditors' rights, criminal law and procedure, damages, domestic relations, equity, evidence, future interests, insurance, jurisdiction of courts, labor law, legislation, ethics and legal responsibility of the profession, partnership, personal property, pleading and practice, public utilities, quasi-contracts, real property, taxation, torts, trade regulation, trusts, and wills and estates. There shall be included in ~~such~~ the minimum not less than 30 semester hours covering the following subject matters: constitutional law, contracts, criminal law and procedure, evidence, jurisdiction of courts, ethics and legal responsibilities of the legal profession, pleading and practice, real property, torts, wills and estates. These requirements may be satisfied by combinations of the curricular courses, and the dean of each law school in Wisconsin shall file with the clerk of the supreme court upon its request a certified statement setting forth the courses taught in his or her law school which are accredited for a first degree in law and the percentage of the time devoted in each course to the subject matter of the areas of law required by this rule for eligibility to admission on the diploma privilege. In addition to these requirements a law school may require other courses or practical training, for which credit toward a degree may or may not be given, as a prerequisite to its certification of eligibility for admission on the diploma privilege.

(2) (title) ADMISSION ON CERTIFICATE. Every person 21 years of age or over and of good moral character who is a citizen of the United States and a resident of this state and a graduate of any law school which at the time of his or her graduation was approved by the American bar association shown by the record of the clerk of the

supreme court, shall, upon the production of the certificate of the board of state bar commissioners, be admitted to practice law in this state by the supreme court, and when ~~such~~ the court is not in session, by one of the justices, by an order signed by ~~such~~ a justice and filed with the clerk of ~~said~~ the court. A certificate shall be given by the board of attorneys professional competence to every person who successfully passes an examination given by the board of attorneys professional competence covering all or part of the subject matter in the areas of law listed in sub. (1) (b).

(3) ADMISSION ON PROOF OF PRACTICE ELSEWHERE. (a) Every person 21 years of age or over and of good moral character who is a U.S. citizen of the United States and a resident of this state and who ~~shall have~~ has been admitted to practice law in any other state or states or territory, or the District of Columbia, may be admitted to practice law in this state by the supreme court upon motion, or, when the court is not in session, by one of the justices thereof, after filing with the clerk of the supreme court ~~(1) his~~ the person's written application therefor, ~~(2) a certificate of his~~ the person's admission to practice law by a court of last resort in ~~such~~ the other state or territory or the District of Columbia and ~~(3) satisfactory proof that he or she is a U.S. citizen of the United States~~ and a resident of this state, is of good moral character, and has been engaged in actual practice in ~~such~~ the other state or states or territory or the District of Columbia or in the courts of the United States for 5 years within the last 8 years prior to filing ~~his~~ the application, exclusive in each case of time spent in the armed forces. The certificate of the judge of any court of record in ~~such~~ the other state or territory or the District of Columbia or court of the United States, before whom ~~such~~ the applicant has practiced, under the seal of ~~such~~ the court, may be deemed sufficient proof of ~~such~~ the practice in ~~such~~ the state or territory or the District of Columbia or court of the United States.

757.285 (3) REINSTATEMENT ON REVERSAL. An attorney who has been summarily suspended upon conviction will be reinstated immediately on the reversal of his or her conviction. ~~Such~~ The reinstatement will not terminate any disciplinary proceeding then pending against the attorney.

757.287 (1) WINDING UP THE PRACTICE. Unless otherwise ordered by the court, a suspended or disbarred lawyer shall, within the first 30 days of ~~his~~ his disbarment or suspension, make all arrangements for the permanent or temporary closing of his or her office, as the case may be, or of the winding up of his or her participation in the law firm, if there be such, and for such purposes only may be present in the office to aid in clients or successor attorneys procuring the files, and in the making by others of arrangements for the taking over of clients' work in process. If the suspended or disbarred lawyer shall abscond, either prior or subsequent to ~~his~~ his suspension, or if he ~~shall or she is~~ is not be available or able, for any other reason, to deliver or assist in the delivery of his or her former clients' files and property, the court may by order authorize a representative of the state bar of Wisconsin or of the local bar association, or a public official, to enter the offices of ~~such~~ the suspended or disbarred attorney or other location as may be necessary for the sole purpose of protecting the clients' rights, the clients' files and the clients' property, and the delivery thereof to the clients or their successor counsel.

(2) PROHIBITED ACTIVITIES. A suspended or disbarred lawyer during his or her suspension or disbarment may not engage in any law work activity, except for a commercial employer not itself engaged in the practice of law. Law work activity shall include, in the case of a suspended or disbarred attorney, matters associated with the practice of law, notwithstanding the fact that ~~such~~ the work may customarily be done by law students, law clerks or other paralegal personnel.

(3) (a) Interview clients or witnesses or participate therein, except that in the course of employment by a commercial employer he or she may interview witnesses and participate in the investigation of claims;

(e) Perform any services for him or her either on a salary or a percentage or a fee-splitting basis, except that he or she may share attorney's fees on a quantum meruit basis only for services performed prior to ~~his~~ his disbarment or suspension, and



based solely on the value to the lawyer of the services ~~theretofore~~ performed prior to disbarment or suspension. An agreement with reference thereto shall be made at the beginning of the new representation and in case of disagreement the fee arbitration committee shall arbitrate the same.

757.29 (2) UNPROFESSIONAL CONDUCT. It is ~~hereby declared to be~~ unprofessional conduct and grounds of disbarment for any attorney to violate any of the provisions of the oath prescribed by this section; or to stir up strife and litigation; or to hunt up causes of action and inform thereof, in order to be employed to bring suit, or to breed litigation by seeking out those having claims for personal injuries or other grounds of action in order to secure them as clients; or to employ agents or runners for like purposes or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases or business to his or her office, or to remunerate ~~policemen police officers~~, court or prison officials, physicians, hospital attaches or others who may succeed in influencing the criminal, the sick, the injured, the ignorant or others to seek his or her professional services; or to violate the disciplinary rules of the American bar association code of professional responsibility, as adopted by the supreme court.

757.293 (1) A member of the state bar shall not commingle the money or other property of a client with his or her own, and he or she shall promptly report to the client the receipt by him or her of all money and other property belonging to such the client. Unless the client otherwise directs in writing, whenever an attorney collects any sum of money upon any action, claim or proceeding, either by way of settlement or after trial or hearing, he or she shall promptly deposit his or her client's funds in a bank or trust company, authorized to do business in ~~the State of Wisconsin~~ this state, in a bank account separate from his or her own account and clearly designated as "Clients' Funds Account" or "Trust Funds Account", or words of similar import. Unless the client otherwise directs in writing, securities of a client in bearer form shall be kept by the attorney in a safe deposit box at a bank or trust company authorized to do business in ~~the State of Wisconsin~~ this state, which safe deposit box shall be clearly designated as "Clients' Account" or "Trust Account", or words of similar import, and be separate from the attorney's own safe deposit box.

(2) A member of the state bar shall maintain and preserve for at least 6 years complete records pertaining to client's funds or assets received by him or her which are required to be distributed or segregated by sub. (1). ~~Such The~~ records shall include his or her trust fund checkbooks and the stubs thereof, bank statements of such the account, vouchers and canceled checks thereon and his or her account books showing dates, amounts and ownership of all deposits to and withdrawals by check or otherwise from such the accounts, and all of such the records shall be deemed to have public aspects as related to such member's fitness to practice law. Upon request of the board of attorneys professional responsibility, or upon direction of the supreme court, such the records shall be submitted to the board for its inspection, audit, use and evidence under such conditions to protect the privilege of clients as the court may provide. ~~Such The~~ records, or an audit thereof, must be produced at any disciplinary proceeding involving the attorney wherever material. Failure to produce such the records shall constitute unprofessional conduct and grounds for disciplinary action.

757.30 (1) Every person, who without having first obtained a license to practice law as an attorney of a court of record of ~~Wisconsin in this state~~, as provided by law, ~~shall practice practices~~ law within the meaning of sub. (2) ~~of this section~~, or hold himself out as purports to be licensed to practice law as an attorney within the meaning of sub. (3) ~~of this section~~, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of fined not less than \$50 nor more than \$500 or by imprisonment in the county jail imprisoned not exceeding more than one year, or by both such fine and imprisonment, in the county jail or both, and in addition to his liability to may be punished as for a contempt.

(2) Every person who ~~shall appear~~ appears as agent, representative or attorney, for or on behalf of any other person, or any firm, copartnership, association or corporation in any action or proceeding in or before any court of record, court commissioner, or judicial tribunal of the United States, or of any state, or who ~~shall~~ otherwise, in or out

of court, for compensation or pecuniary reward ~~give gives~~ professional legal advice not incidental to his or her usual or ordinary business, or ~~render renders~~ any legal service for any other person, or any firm, copartnership, association or corporation, shall be deemed to be practicing law within the meaning of this section.

(3) Every person who ~~shall use~~ uses the words attorney at law, lawyer, solicitor, counselor, attorney and counselor, proctor, law, law office, or other equivalent words in connection with his ~~own or her~~ name or any sign, advertisement, business card, letterhead, circular, notice, or other writing, document or design, the evident purpose of which is to induce others to believe or understand ~~such the~~ person to be authorized to practice law or who ~~shall~~ in any other manner ~~represent~~ represents himself or herself either verbally or in writing, directly or indirectly, as authorized to practice law in this state, shall be deemed to be ~~holding himself out as purporting to be~~ licensed to practice law as an attorney within the meaning of this section.

**757.36 Lien on proceeds of action to enforce cause of action.** Any person having or claiming a right of action, sounding in tort or for unliquidated damages on contract, may contract with any attorney to prosecute the ~~same~~ action and give ~~such the~~ attorney a lien upon ~~such the~~ cause of action and upon the proceeds or damages derived in any action brought for the enforcement of ~~such the~~ cause of action, as security for his fees in the conduct of ~~such the~~ litigation; when such agreement ~~shall be~~ is made and notice thereof given to the opposite party or his or her attorney, no settlement or adjustment of ~~such the~~ action ~~shall may~~ be valid as against the lien so created, provided ~~that such the~~ agreement for fees ~~shall be~~ is fair and reasonable, ~~and this.~~ This section shall not be construed as changing the law in respect to champertous contracts.

**757.37 When action settled by parties, what proof to enforce lien.** If any such cause of action ~~shall have been~~ is settled by the parties thereto after judgment has been procured without notice to the attorney claiming ~~such the~~ lien, ~~such the~~ lien may be enforced and it shall only be required to prove the facts of the agreement by which ~~such the~~ lien was given, notice to the opposite party or his or her attorney and the rendition of the judgment, and if any such settlement of the cause of action is had or effected before judgment therein, then it shall only be necessary to enforce ~~said the~~ lien to prove the agreement creating the same, notice to the opposite party or his or her attorney and the amount for which ~~said the~~ case was settled, which shall be the basis for ~~said the~~ lien and it shall ~~at no time not~~ be necessary to prove up the original cause of action in order to enforce ~~said the~~ lien and suit.

**757.40 Law library.** Any circuit judge may, whenever he or she deems it desirable, purchase or direct the clerk of the circuit court for any county in his or her circuit to purchase law books and subscribe for the periodical reports of any of the courts of the several states or territories or of the United States, for any county in his or her circuit, provided the cost of ~~such the~~ books and reports, including pocket parts and continuing services, shall not exceed \$1,500 for any county in one year, unless the board of supervisors of ~~such the~~ county authorizes the expenditure of a larger sum. Whenever ~~such the~~ purchase or subscription is made ~~such the~~ clerk shall have each volume of books received stamped or branded with the name of ~~his the~~ county and take charge of the same for the use of the courts, judges, attorneys and officers thereof. The cost of ~~such the~~ volumes shall be paid by the county treasurer upon the presentation to him or her of the accounts therefor, certified to by the clerk of the circuit court and the circuit judge.

**757.46 Reporter not to take statements of injured persons.** No phonographic reporter for any court of record in the state of Wisconsin or any of his or her assistants ~~shall may~~ be employed by any person or corporation to take the statement of any injured or other person in any way relating to the manner in which the person was injured or killed or the extent of personal injuries, and any reporter or assistant violating ~~the provisions hereof this section~~ shall be removed and shall not be permitted to testify in any court concerning any such statement taken in violation ~~hereof of this~~

section. The taking, transcribing or reporting testimony given by deposition or otherwise according to law, is not prohibited by this section.

757.48 (1) In all matters in which a guardian ad litem is appointed by the court, the guardian ad litem shall be an attorney admitted to practice in this state and shall be allowed reasonable compensation for his services, reasonable compensation to be such as is customarily charged by attorneys in this state for comparable services. If the attorney of record is also the guardian ad litem, he or she shall be entitled only to attorney fees and shall receive no compensation for his services as guardian ad litem.

(3) No guardian ad litem ~~shall~~ may be permitted to receive any money or property of his or her ward, nor ~~shall~~ may any bond be required of a guardian ad litem, but all money or property of his or her ward ~~shall~~ may be paid or delivered to a general guardian of his or her property subject to the exceptions of s. 880.04.

**757.49 Compensation of attorneys appointed by court.** Notwithstanding any other provision of the statutes, in all cases where the statutes fix a fee and provide for the payment of expenses of an attorney to be appointed by the court to perform certain designated duties, the court appointing the attorney shall, after the services of the attorney have been performed and the disbursements incurred, fix the amount of his or her compensation for the services and provide for the repayment of disbursements in such sum as the court ~~shall deem~~ deems proper, and which compensation shall be such as is customarily charged by attorneys in this state for comparable services.

757.57 (5) Except as provided in sub. (4), every reporter, upon the request of any party to an action or proceedings, shall make a typewritten transcript, and as many copies thereof as ~~such~~ the party requests, of the testimony and proceedings reported by him or her in ~~such~~ the action or proceeding, or any part thereof specified by ~~such~~ the party, the transcript and each copy thereof to be duly certified by him or her to be a correct transcript thereof. For ~~such~~ the transcripts the reporter shall be entitled to receive fees from the party requesting the ~~same~~ transcripts, at the rate of 60 cents per 25-line page for the original and 20 cents per 25-line page for each copy, ~~but when such.~~ If request is by the state or any political subdivision thereof, the fees of the reporter shall be at the rates provided in sub. (2).

(6) A judge may also order the reporter to transcribe and file all or any part of the testimony and proceedings in any action or proceeding in the court of which he or she is the judge.

757.58 (2) Except as provided in sub. (3) ~~when~~ if it appears that an action pending in the county court will be tried by a ~~12-man~~ 12-person jury, the county court may, by order transfer the action to the circuit court of ~~said~~ the county, and the clerk shall transfer the file thereof to the circuit court.

**757.66 Recovery of legal fees paid for indigent defendants.** Whenever a county has paid for legal representation of an indigent defendant and the county board so requires, the clerk of the court ~~wherein~~ where representation for the indigent was appointed shall prepare, sign and file in the office of the register of deeds, in a record book there to be kept for the purpose, a certificate stating the name and residence of the indigent beneficiary, the amount paid by the county for his or her legal representation, the date when paid, the court and county in which ~~his~~ the case was heard and such other information as the county board directs. When a claim is so filed within 6 months after payment is made by the county it may, any time within 10 years after ~~such~~ the filing, commence an action to recover from the indigent defendant, or his or her estate if the action is commenced within the time set for filing claims by creditors, the amount paid by the county for his or her legal representation. In any such action the 10-year statute of limitations and s. 859.01, so far as applicable, may be pleaded in defense. ~~Such~~ The claim shall not take precedence over the allowances in ss. 861.31, 861.33 and 861.35. ~~It is the duty of the~~ The district attorney ~~to~~ shall commence and prosecute all actions and proceedings necessary under this section to make ~~such~~ the recovery when it appears that the indigent defendant or his or her estate is able to pay the claim.

757.68 (1) OFFICE CREATED; QUALIFICATIONS, APPOINTMENT. In counties having a population of 500,000 or more, there is created in the classified service the office of judicial court commissioner. The county board shall establish the number of positions and set the salary for the office. The ~~chairman~~ chairperson of the county board of judges shall be the appointing power and shall assign and supervise the work of ~~such~~ the commissioners who shall be members of the bar residing in ~~such~~ the county. Each judicial court commissioner shall take and file the official oath before performing any duty of the office.

(2) DUTIES. Judicial court commissioners shall, by virtue of their respective positions and to the extent required for their duties, have the powers of a court commissioner. The ~~chairman~~ chairperson of the county board of judges shall assign judicial court commissioners to the various branches of circuit and county court to assist the judges in the performance of their judicial duties and facilitate the work of the courts and the office of family court commissioner under s. 247.13 (2) whenever needed and requested by him or her. In addition to the duties assigned under s. 247.13 (2), assistant family court commissioners shall be assigned the work and duties of judicial court commissioners by the ~~chairman~~ chairperson of the county board of judges whenever necessary to assist and facilitate judicial performance within other branches of county and circuit court.

(3) (a) When assigned to children's court a judicial court commissioner may, under ch. 48, issue summonses and warrants, order the release or detention of children apprehended, conduct detention and shelter care hearings, conduct preliminary appearances and impose informal disposition. Waiver hearings under s. 48.18 and dispositional hearings under ss. 48.33 to 48.35 shall be conducted by a children's court judge. When acting in ~~his~~ an official capacity and assigned to the children's court center, a judicial court commissioner shall sit at the children's court center or such other facility designated by the ~~chairman~~ chairperson of the county board of judges. Any determination, order or ruling by the commissioner may be certified to the branch of children's court to whom ~~such~~ the case has been assigned upon a motion of any party for a hearing de novo.

(b) 1. Inform the defendant of his or her rights under the ~~United States~~ U.S. and Wisconsin constitutions when necessary.

2. If the defendant does not waive his or her right to counsel, refer the matter of the appointment of an attorney, if the defendant is indigent, to the public or legal defenders when the defendant is willing to accept these services or otherwise to the judge for appointment of private counsel.

SECTION 97. Chapter 257 of the statutes, as affected by chapter 29, laws of 1977, is renumbered chapter 758, and 758.13 (1) and (3) (a) to (c), 758.15, 758.17 (1) and (3), 758.19 (4), (7) and (8), 758.27 (2), 758.29 (1) and (2) (a), 758.31, 758.35 and 758.37, as renumbered, are amended to read:

758.13 (1) MEMBERSHIP; APPOINTMENT; TERMS. There is created a judicial council of ~~18~~ 19 members as follows: A supreme court justice designated by the supreme court; ~~a court of appeals judge designated by the court of appeals;~~ the administrative director of courts or a representative of the office designated by the administrative director; a circuit judge designated by the board of circuit judges; a county judge designated by the board of county judges; a judge designated by the board of criminal court judges; a juvenile court judge designated by the board of juvenile court judges; the ~~chairman~~ chairperson of the senate judiciary and consumer affairs committee or a member of the committee designated by the ~~chairman~~ chairperson; the ~~chairman~~ chairperson of the assembly judiciary committee or a member of the committee designated by the ~~chairman~~ chairperson; the attorney general or a representative of the department of justice designated by the attorney general; the revisor of statutes or an assistant designated by the revisor; the deans of the law schools of the university of Wisconsin and Marquette university or a member of the respective law school faculties to be designated by said deans; the president-elect of the state bar of Wisconsin or a member of the board of governors of the state bar designated by the president-elect

and 3 additional members thereof selected by the state bar, and 2 citizens at large appointed by the governor. The last 5 members shall serve 3-year terms. The names of the members shall be certified to the secretary of state by the executive secretary. Members shall hold office until their successors have been selected. The members of the council shall receive no compensation, but shall be reimbursed from the appropriation made by s. 20.645 (1) for expenses necessarily incurred by them in attending meetings of the council.

(3) (a) The council shall elect a ~~chairman~~ chairperson and vice ~~chairman~~ chairperson.

(b) The council may promulgate and modify rules for the conduct of its proceedings in the exercise of its powers. The council may meet at such time and place as it determines but at least once every 3 months. It shall meet upon call of the ~~chairman~~ chairperson or a call signed by 5 members of the council. Nine members shall constitute a quorum.

(c) The council may appoint regular and special committees of its members to investigate and report upon any matters relating to its duties. The council or any committee thereof when so authorized by the council is empowered to hold public hearings at such times and places within the state as may be determined. Any member of the council or any committee thereof shall have the power to administer oaths to persons testifying before the council or committee. By subpoena issued over the signature of its ~~chairman~~ chairperson or acting ~~chairman~~ chairperson and served in the manner in which circuit court subpoenas are served, the council or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witnesses subpoenaed to appear before the council or a committee thereof ~~shall~~ refuse to appear or answer inquiries propounded, the council or committee shall report the facts to the circuit court of Dane county and ~~it shall be the duty of such~~ the court ~~to shall~~ shall compel obedience to ~~such~~ the subpoena.

**758.15 Administrative committee for court system.** (1) The chief justice of the supreme court, or such other justice as the supreme court may designate, ~~the chief judge of the court of appeals, or such other judge as the court of appeals may designate,~~ the ~~chairman~~ chairperson of the board of circuit judges and 2 additional circuit judges selected by the board of circuit judges, the ~~chairman~~ chairperson of the board of county judges and 2 additional county judges selected by the board of county judges shall constitute an administrative committee for the court system. The chief justice shall serve as ~~chairman~~ chairperson.

(2) The administrative committee shall meet at the call of its ~~chairman~~ chairperson, but at least quarterly, to review the administration and methods of operations of all the courts of the state, the volume and condition of business in those courts and to plan the expeditious handling of judicial matters in the future. By November 20 of each even-numbered year, the committee shall submit a report to the governor, the legislature and the supreme court analyzing the judicial workload problems of the state and recommending the creation or the elimination of courts and branches of the courts. It shall direct the administrative director of courts to obtain the statistical information necessary for its work and to prepare studies on administrative operations of the courts for its study.

**758.17** (1) There is ~~hereby~~ constituted the judicial conference of Wisconsin, ~~hereinafter called the conference, of which consists of~~ the justices of the supreme court, ~~the judges of the court of appeals and the judges of the circuit and county courts shall be members.~~ In this section, "conference" means the judicial conference of Wisconsin.

(3) The administrative committee together with the court administrator shall plan and conduct the annual and any special meeting of the conference under the direction of the supreme court. The chief justice shall preside at all annual and special meetings of the conference, or, in his or her absence, the senior associate justice present shall preside, unless the approved agenda otherwise provides.

758.19 (4) ASSISTANTS. The supreme court shall appoint and fix the compensation of an assistant to the administrative director ~~where such~~ if the assistant is deemed necessary to enable ~~him~~ the administrative director to perform his or her duties.

(7) GOVERNING BODY FOR COURTS. The administrative director shall ~~pursuant to s. 41.02 (29)~~ act as the governing body under s. 41.02 (29) for the supreme court, for the court of appeals and for circuit court judges and reporters and county court judges and reporters.

(8) SALARY CERTIFICATIONS. The administrative director may require each judge to verify and certify vouchers for salaries and expenses of himself or herself, his or her reporter and any assistant reporters and, in certifying ~~such~~ the salaries and expenses to the department of administration, may rely on the certifications received from the several judges.

758.27 (2) The board shall elect a ~~chairman~~ chairperson. It shall also elect a vice ~~chairman~~ chairperson who shall have all the powers and duties of the ~~chairman~~ chairperson during his or her disability or absence from the state, and such other officers as they consider necessary.

758.29 (1) The county judges of the state constitute the board of county judges and shall meet at least once each year. The board shall elect a ~~chairman~~ chairperson, secretary and other officers considered necessary and may establish sections for judges interested in specialized fields of law.

(2) (a) The board of county judges or its duly authorized committee shall adopt uniform forms necessary for the administration of proceedings under Title XLII-B. Duly authenticated copies of these forms shall be furnished to the secretary of state and kept on file in his or her office. The secretary of state shall transmit copies of these forms to the register in probate in each county in the state.

**758.31 Board of juvenile court judges; juvenile court forms.** (1) The juvenile court judges of the state constitute the "Board of Juvenile Court Judges." The board shall meet at least twice each year at the time and place it determines. The board shall elect a ~~chairman~~ chairperson, secretary and any other officers from its number as it deems necessary. These officers shall perform the duties prescribed by the board. The board shall make any rules it deems advisable, not inconsistent with law. Each juvenile court judge attending the meetings of the board shall on presenting his or her certificate of attendance to the county or municipal treasurer be reimbursed for his or her travel and necessary expenses out of the funds made available for his or her court.

(2) The board of juvenile court judges or its duly authorized committee shall adopt uniform forms necessary for the administration of juvenile matters under ch. 48. Duly authenticated copies of these forms shall be furnished to the secretary of state and kept on file in his or her office. The secretary of state shall transmit copies of these forms to the register in probate in each county in the state and in counties having a population of 500,000 or more to the clerk of the children's court.

**758.35 Board of criminal court judges.** The full-time judges of the courts of record of the state, having criminal jurisdiction, constitute the board of criminal court judges. The board shall meet at least twice each year at such time and place as it determines. The board shall elect a ~~chairman~~ chairperson, secretary and such other officers from its number as it deems necessary. ~~Such~~ The officers shall perform such duties as the board prescribes. Each such judge, except a circuit judge, attending the meetings of the board shall on presenting his or her certificate of attendance to the county or municipal treasurer be reimbursed for his or her travel and reasonable and necessary expenses out of the funds made available for his or her court.

**758.37 County board of judges in populous counties.** In counties having a population of 200,000 or more there is constituted a county board of judges to consist of all the judges of courts of record in ~~such~~ the county. A circuit judge or county judge shall be ~~chairman~~ chairperson of ~~such~~ the board and shall be designated "chief judge". ~~Such~~ The board may by majority vote of all members organize and establish, modify and

repeal rules, not inconsistent with the statutes, to provide for the orderly, efficient and expeditious handling of all matters within the jurisdiction of such courts.

SECTION 98. 292.01 (3) of the statutes is amended to read:

292.01 (3) ~~As used in~~ In this chapter, unless the context requires otherwise, judge includes the supreme court, ~~the court of appeals~~, circuit courts, and county courts and each justice and judge thereof and court commissioners; and prisoner includes every person restrained of ~~his~~ personal liberty; and imprisoned includes every such restraint, and respondent means the person on whom the writ is to be served.

SECTION 99. 292.03 of the statutes is amended to read:

**292.03 Petition for writ.** Application for ~~such the~~ writ shall be by petition, signed either by the prisoner or by some person in his or her behalf, and may be made to the supreme court, ~~the court of appeals~~ or the circuit court of the county or the county court, or to any justice or judge of the supreme ~~court, court of appeals~~, circuit or county court, or to any court commissioner, within the county where the prisoner is detained; or if there is no judge within ~~such the~~ county, or for any cause he or she is incapable of acting, or has refused to grant ~~such the~~ writ, then to some judge residing in an adjoining county; but every application, made by or on behalf of a person sentenced to the state prisons, must contain a copy of any motion made ~~pursuant to~~ under s. 974.06 and shall indicate the disposition of ~~such the~~ motion and the court ~~wherein such in which the~~ disposition was made, ~~or if.~~ If no motion was made, the petition shall so state.

SECTION 100. 294.05 of the statutes is amended to read:

**294.05 When defendant held to bail.** ~~Whenever such~~ If the action shall be ~~is~~ brought against a person for usurping an office, the ~~attorney-general~~ attorney general or person complaining, in addition to the statement of the cause of action, may also set forth in the complaint the name of the person rightfully entitled to the office, with a statement of ~~his right thereto, and in the person's right to the office.~~ In such case, upon proof by affidavit that the defendant has received fees or emoluments belonging to the office and by means of his or her usurpation ~~thereof of the office,~~ an order may be granted by a judge of the circuit court, by a judge of the court of appeals or by a justice of the supreme court, if the action ~~be is~~ pending therein, for the arrest of ~~such the~~ defendant and holding him or her to bail; and thereupon ~~he the defendant~~ shall be arrested and held to bail in the manner and with the same effect and subject to the same rights and liabilities as in other civil actions when the defendant is subject to arrest.

SECTION 101. 299.25 (10) (intro.) of the statutes is amended to read:

299.25 (10) (title) ATTORNEY FEES. (intro.) Attorney's Attorney fees, both in the original action and on appeal ~~to circuit court~~, except when the amount thereof is otherwise specially provided for:

SECTION 102. 299.26 of the statutes is repealed.

SECTION 103. 299.30 of the statutes is repealed and recreated to read:

**299.30 Appeal.** An appeal of a judgment or order under this chapter shall be to the court of appeals.

SECTION 104. 300.10 (4) of the statutes is amended to read:

300.10 (4) On appeal the justice shall make a copy of the docket and forward it along with all papers concerning the action together with the bond to the clerk of the ~~appellate~~ circuit court.

SECTION 105. 300.16 of the statutes is amended to read:

**300.16 Mistaken remedy or court; transfer to proper court.** When an action which is outside the jurisdiction of a justice has been tried and judgment entered in municipal court and the action has been appealed, the appeal operates as a transfer of the action to the ~~appellate~~ circuit court and that court shall proceed as though the action had been commenced ~~therein in the circuit court.~~

SECTION 105g. 343.40 of the statutes, as affected by chapter 43, laws of 1977, is amended to read:

**343.40 Judicial review of suspension, revocation, cancellation or denial of license.** The denial or cancellation of a license or the revocation or suspension of an operating privilege is subject to judicial review in the manner provided in ch. 227 for the review of administrative decisions, ~~except that if the petitioner resides in Wisconsin the place of review shall be the circuit court of the county in which he resides.~~

SECTION 105r. 344.03 of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

**344.03 Judicial review.** (1) Any person aggrieved by a decision of the transportation commission pursuant to under this chapter may, at any time prior to 30 days after the entry of order of suspension or revocation, ~~file a petition in the circuit court of Dane county for a review thereof as provided in s. 227.16. The court shall summarily hear the petition and may make any appropriate order or decree within the scope of s. 227.20 seek judicial review under ch. 227.~~

(2) If any person aggrieved by a decision of the transportation commission pursuant to under this chapter fails to ~~file a petition~~ seek judicial review under ch. 227 within the time allowed in sub. (1), the circuit court of ~~Dane county~~ may, upon the person's petition and notice to the department and transportation commission, and upon the terms and within a time as the court deems reasonable, but not later than one year after the act complained of, allow a review with the same effect as though done within the time prescribed in sub. (1). This subsection does not authorize the court to stay suspension or revocation of an operator's license.

SECTION 106. 345.50 (1) and (3) of the statutes are amended to read:

345.50 (1) JURISDICTION ON APPEAL. ~~Appeals shall be to the circuit court for the county. On An appeal from municipal court shall be to the circuit court for the county, and the defendant is entitled to a new trial de novo and to a jury trial, on request. On An appeal from county court the circuit court has power similar to that of the supreme court under ch. 817 to review and to affirm, reverse, remand or modify the judgment appealed from shall be to the court of appeals.~~

(3) PROCEDURE ON APPEAL. Within 10 days after judgment in the municipal court, appeal may be taken to the circuit court by filing a notice of appeal with the municipal justice or with the clerk of the trial court, and by serving a copy of such the notice on the opposing party or his or her attorney. If the action was tried in county court the appellant shall, within 40 days after the notice of appeal was filed, ~~file with the clerk of the trial court either a transcript of the reporter's notes of the trial or a statement that his appeal can be supported by the case file without a transcript. The appellant shall pay the cost of preparing the transcript, and shall deliver a copy of the transcript to all parties. Within 10 days after the transcript or statement is filed with the clerk, the clerk shall return the case file and the transcript or statement to the circuit court, and shall notify the parties of such filing in the circuit court~~ an appeal is to the court of appeals.

SECTION 106m. 442.12 (5) of the statutes is amended to read:

442.12 (5) Orders of the examining board shall be subject to review under ch. 227, ~~except that the place of review shall be the circuit court of the county in which the hearing was held.~~

SECTION 107. 631.85 of the statutes is amended to read:

**631.85 Appraisal or arbitration.** An insurance policy may contain provision for independent appraisal and compulsory arbitration, subject to the provisions of s. 631.20. If an approved policy provides for application to a court of record for the appointment of a disinterested appraiser, arbitrator or umpire, any court of record of this state ~~except the court of appeals or the supreme court~~ may be requested to make an appointment. Upon appropriate request, the court shall make the appointment promptly.



SECTION 108. Title XLII of the statutes is renumbered Title XLII-D.

SECTION 109. Title XLII-N (title) of the statutes is created to read:

TITLE XLII-N

COURTS

(to precede chapter 750)

SECTION 110. 751.02 of the statutes is created to read:

**751.02 Employes.** The supreme court may appoint the employes it considers necessary for the execution of the functions of the supreme court and the court of appeals 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. A person appointed by the supreme court or a justice or court of appeals judge serves at the pleasure of the court or the justice or judge.

SECTION 111. 751.08 of the statutes is created to read:

**751.08 Enforcement of judgments and determinations.** The supreme court has all power and authority to enforce its judgments and determinations and to exercise its jurisdiction as the supreme judicial tribunal of the state.

SECTION 112. Chapter 752 of the statutes is created to read:

CHAPTER 752

COURT OF APPEALS

**752.01 Jurisdiction.** (1) The court of appeals has appellate jurisdiction as provided by law.

(2) The court of appeals has original jurisdiction only to issue prerogative writs.

(3) The court of appeals may issue all writs necessary in aid of its jurisdiction.

**752.02 Supervisory authority.** The court of appeals has supervisory authority over all actions and proceedings in all courts except the supreme court.

**752.03 Number of judges.** There shall be 12 court of appeals judges. Three judges shall be elected from each of the 4 districts specified in ss. 752.13 to 752.19.

**752.04 Elections.** Court of appeals judges shall be elected by district on an at-large basis for terms of 6 years. Terms shall commence on August 1 next succeeding each election and shall terminate on July 31. A court of appeals judge shall reside within the district in which he or she is elected. Only one court of appeals judge may be elected in a district in any year.

**752.05 Administrative headquarters.** The court of appeals shall have administrative headquarters in Madison.

**752.07 Chief judge.** The supreme court shall appoint a court of appeals judge to be the chief judge of the court of appeals for a term of 3 years.

**752.11 Districts.** (1) The court of appeals is divided into districts as follows:

(a) District I consists of the 2nd judicial circuit.

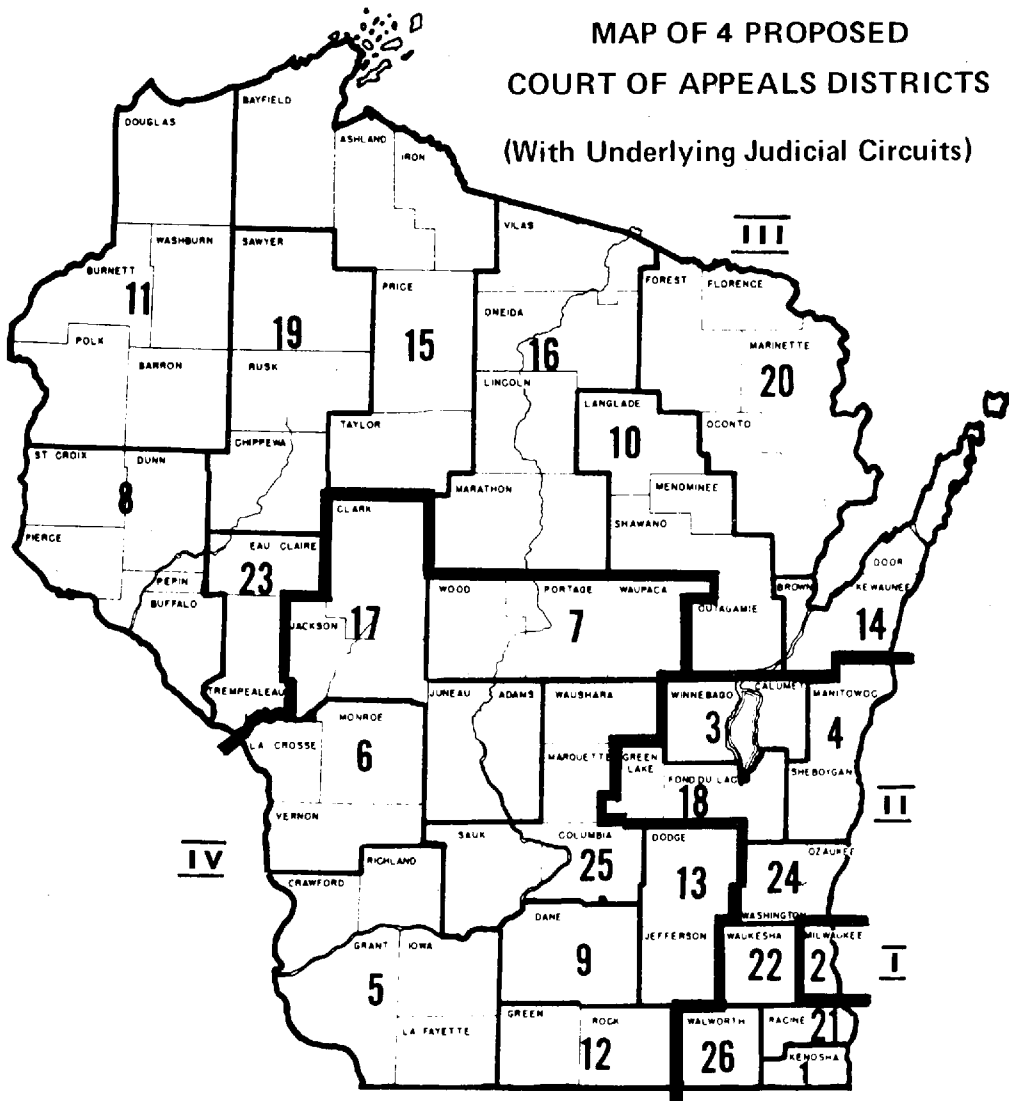
(b) District II consists of the 1st, 3rd, 4th, 18th, 21st, 22nd, 24th and 26th judicial circuits.

(c) District III consists of the 8th, 10th, 11th, 14th, 15th, 16th, 19th, 20th and 23rd judicial circuits.

(d) District IV consists of the 5th, 6th, 7th, 9th, 12th, 13th, 17th and 25th judicial circuits.

(2) The court shall hear cases in any city where it has chambers or where it is specifically required to sit and such other locations as the supreme court may designate by rule for the convenience of litigants.

*The following map illustrates the boundaries of the four court of appeals districts:*



**752.13 District I.** The court chambers for the court of appeals in district I are located in Milwaukee.

**752.15 District II.** The court chambers for the court of appeals in district II are located in Waukesha. The court shall also sit in Fond du Lac and Racine.

**752.17 District III.** The court chambers for the court of appeals in district III are located in Wausau. The court shall also sit in Eau Claire, Superior and Green Bay.

**752.19 District IV.** The court chambers for the court of appeals in district IV are located in Madison. The court shall also sit in La Crosse and Stevens Point.

**752.21 Venue.** A judgment or order appealed to the court of appeals shall be heard in the court of appeals district which contains the court from which the judgment or order is appealed.

**752.31 Disposition of cases.** (1) Except as otherwise provided in this section, the court of appeals shall sit in panels of 3 judges to dispose of cases on their merits.

(2) Appeals to the court of appeals in the following types of cases shall be heard as specified in sub. (3):

- (a) Cases under ch. 299.
- (b) Municipal ordinance violation cases.
- (c) Cases involving violations of traffic regulations, as defined in s. 345.20 (1) (a).
- (d) Cases under ch. 51.
- (e) Cases under ch. 48.
- (f) Misdemeanors.

(3) A case specified under sub. (2) shall be heard by one court of appeals judge, except that any party on appeal may move in writing to the chief judge of the court of appeals that the case be heard by a 3-judge panel. The chief judge may grant or deny the request ex parte. Any appeal which is heard by a single court of appeals judge shall be heard in the county where the case or action originated if any party so requests.

(4) If a request for a 3-judge panel is granted under sub. (3), the district attorney handling the case under s. 59.47 (7) shall transfer all necessary files and papers relating to the case to the attorney general.

~~752.33 Rotation of judges. Court of appeals judges may be rotated out of their districts by the supreme court only if another court of appeals judge is unavailable to sit by reason of death, illness, disqualification, disability or vacation.~~

Vetoed  
in Part

**752.35 Discretionary reversal.** In an appeal to the court of appeals, if it appears from the record that the real controversy has not been fully tried, or that it is probable that justice has for any reason miscarried, the court may reverse the judgment or order appealed from, regardless of whether the proper motion or objection appears in the record and may direct the entry of the proper judgment or remit the case to the trial court for entry of the proper judgment or for a new trial, and direct the making of such amendments in the pleadings and the adoption of such procedure in that court, not inconsistent with statutes or rules, as are necessary to accomplish the ends of justice.

**752.37 Enforcement of judgments and determinations.** The court of appeals has all power and authority to enforce its judgments and determinations and to exercise its jurisdiction.

**752.39 Referral of issues of fact.** In actions where the court of appeals has taken original jurisdiction, the court may refer issues of fact to a circuit court or referee for determination.

**752.41 Decisions.** (1) In each case, the court of appeals shall provide a written opinion containing a written summary of the reasons for the decision made by the court.

(2) Officially published opinions of the court of appeals shall have statewide precedential effect.

(3) The supreme court shall determine by rule the manner in which the court of appeals determines which of its decisions shall be published.

**752.61 State assumption of costs.** The state shall pay for all costs of implementation and operation of the court of appeals. Payments shall be made under s. 20.660.

SECTION 113. 801.50 (9) of the statutes is amended to read:

801.50 (9) ACTIONS AGAINST THE STATE. Of an action brought against the state or any state board or commission or any state officer in his an official capacity, the county of Dane unless another place is specifically authorized by law.

SECTION 114. 806.05 (5) of the statutes is amended to read:

806.05 (5) FINDINGS AND JUDGMENT. If, after ~~such the~~ hearing, the court, or jury ~~(, unless its finding is contrary to law or to the great weight and clear preponderance of the evidence),~~ determines that ~~such the~~ matter is obscene, the court shall enter judgment that ~~such the~~ matter is obscene. If it is ~~so~~ determined that ~~such the~~ matter is not obscene, the court shall enter judgment dismissing the complaint, and a total of not more than \$100 in costs, in addition to taxable disbursements, may be awarded to the persons defending ~~such the~~ matter, which shall be paid from the county treasury. Any judgment under this subsection may be appealed to the ~~supreme court pursuant to ch. 817~~ court of appeals under chs. 808 and 809 by any person adversely affected, and who is either interested in the publication, production, sale, loan, exhibition or distribution of ~~said the~~ matter, or is the plaintiff district attorney.

SECTION 115. 806.09 (2) of the statutes is amended to read:

806.09 (2) Whenever in a civil action on appeal to the court of appeals or the supreme court the appellant fails to stay execution and pending the appeal the sheriff or other officer collects all or any part of the judgment appealed from, the officer collecting the ~~same judgment~~ shall deposit the amount collected, less the officer's fees, with the clerk of the court out of which execution issued. In case of reversal on ~~such the~~ appeal, restitution may be made in accordance with sub. (1). In case of affirmance the clerk shall pay over ~~such the~~ deposit to the judgment creditor on the filing of the remittitur from the court of appeals or the supreme court.

SECTION 116. 806.16 of the statutes is amended to read:

**806.16 (title) Appellate court judgment, docketing.** The clerk of the supreme court, on demand and upon payment of ~~one dollar~~ \$1, shall furnish a certified transcript of any money judgment of ~~said the court of appeals or the supreme~~ court which transcript may be filed and docketed in the office of any clerk of the circuit court in the manner that other judgments are docketed and shall then be a like lien and for a like time as circuit court judgments on the real property in the county where docketed. ~~And whenever~~ If the court of appeals or supreme court ~~shall remit~~ remits its judgment for the recovery of money or for costs to the lower court ~~such, the~~ judgment shall in like manner be docketed by the clerk of ~~said the lower~~ court and shall have the like force and effect as judgments of the circuit court so docketed.

SECTION 117. Chapter 808 of the statutes is created to read:

## CHAPTER 808

### APPEALS AND WRITS OF ERROR

**808.01 Definitions.** In this chapter:

(1) "Appeal" means a review in an appellate court by appeal or writ of error authorized by law of a judgment or order of a circuit or county court.

(2) "Appellate court" means the supreme court under ch. 751 or the court of appeals under ch. 752.

**808.02 Writ of error.** A writ of error may be sought in the court of appeals.

**808.03 Appeals to the court of appeals.** (1) APPEALS AS OF RIGHT. A final judgment or a final order of a circuit court or county court may be appealed as a matter of right to the court of appeals unless otherwise expressly provided by law. A final judgment or final order is a judgment or order entered in accordance with s. 806.06 (1) (b) or 807.11 (2) which disposes of the entire matter in litigation as to one or more of the parties, whether rendered in an action or special proceeding.

(2) APPEALS BY PERMISSION. A judgment or order not appealable as a matter of right under sub. (1) may be appealed to the court of appeals in advance of a final judgment or order upon leave granted by the court if it determines that an appeal will:

(a) Materially advance the termination of the litigation or clarify further proceedings in the litigation;

- (b) Protect the petitioner from substantial or irreparable injury; or
- (c) Clarify an issue of general importance in the administration of justice.

**808.04 Time for appeal to the court of appeals.** (1) INITIATING AN APPEAL. An appeal to the court of appeals must be initiated within 45 days of entry of judgment or order appealed from if written notice of the entry of judgment or order is given, or within 90 days of entry if notice is not given, except as provided in this section or otherwise expressly provided by law.

(2) EXCEPTIONS. (a) Subsection (1) does not apply to an appeal for which a specific time period for initiating an appeal is expressly provided by law. Appeals for which special time periods are provided include: s. 9.10 (4) (a) (recall), 30.30 (3) (c) (harbor improvements), 32.05 (13) (condemnation), 32.06 (13) (condemnation), 48.911 (adoption proceedings), 62.075 (4) (detachment of farm lands), 66.014 (7) (b) (municipal incorporation), 66.021 (10) (b) (annexation), 66.05 (8) (c) (razing buildings), 66.435 (4) (b) (urban renewal act), 87.16 (flood control projects), 88.09 (2) (drainage of lands), 102.25 (1) (worker's compensation), 111.07 (7) (employment relations commission), 117.03 (5) (school district reorganization), 128.15 (1) (objections to creditors' claims), 128.20 (2) (settlement of receiver's or assignee's accounts), 182.60 (10) (b) (special economic improvement districts), 186.29 (5) (reevaluation of credit union shares), 215.32 (12) (reevaluation of savings and loan accounts), 227.21 (review of administrative agency decisions), 227.26 (enforcement of laws attacked in federal court), 289.29 (log liens), 296.03 (conveyance: specific performance), 808.07 (6) (eviction actions), 879.27 (3) (probate court), 879.31 (extension of probate court appeals) and 974.02 (criminal, juvenile, youthful offender and mental commitment cases).

(b) A person imprisoned on a criminal sentence against whom a civil final judgment or order is rendered has 120 days in which to appeal the civil judgment or order.

(c) When a party to an action or special proceeding dies during the period allowed for appeal, the time to appeal is the time permitted by law or 120 days after the party's death, whichever is later. If no personal representative qualifies within 60 days after the party's death, any appellant may have a personal representative appointed under s. 856.07 (2).

**808.05 Bypass.** The supreme court may take jurisdiction of an appeal or any other proceeding pending in the court of appeals if:

- (1) It grants direct review upon a petition to bypass filed by a party;
- (2) It grants direct review upon certification from the court of appeals prior to the court of appeals hearing and deciding the matter; or
- (3) It, on its own motion, decides to review the matter directly.

**808.07 Relief pending appeal.** (1) EFFECT OF APPEAL. An appeal does not stay the execution or enforcement of the judgment or order appealed from except as provided in this section or as otherwise expressly provided by law.

(2) AUTHORITY OF A COURT TO GRANT RELIEF PENDING APPEAL. (a) During the pendency of an appeal, a trial court or an appellate court may:

- 1. Stay execution or enforcement of a judgment or order;
- 2. Suspend, modify, restore or grant an injunction;
- 3. Make any order appropriate to preserve the status quo or the effectiveness of the judgment subsequently to be entered; or
- 4. Hear and determine a motion filed under s. 806.07.

(b) Relief under this subsection may be conditioned upon the filing of an undertaking in the trial court.

(3) **UNDERTAKING FOR COSTS.** An undertaking for costs is not required unless specifically required by statute, or by the trial court acting in its discretion.

(4) **PROCEEDINGS AGAINST A SURETY.** A surety on an undertaking is subject to the jurisdiction of the trial court and irrevocably appoints the clerk of that court as the surety's agent for service of any papers affecting his or her liability on the undertaking. A person may seek to enforce the surety's liability by filing a motion in the action or proceeding in the trial court in which the undertaking was filed.

(5) **PUBLIC OFFICIALS.** A person or agency suing or being sued in an official public capacity is not required to execute an undertaking as a condition for relief under this section unless required by the court in its discretion.

(6) **SURETIES ON UNDERTAKINGS.** A surety shall file with the undertaking an affidavit that the surety has a net worth in property within this state not exempt from execution which exceeds the amount of the undertaking, except as provided in s. 204.07. The respondent may by motion object to the sufficiency of a surety within 10 days after service of a copy of the undertaking.

(7) **EVICITION ACTIONS.** In all eviction actions except those tried to a jury of 12, the time for service and filing of the notice of appeal is limited to 10 days after mailing of notice of entry of judgment. No such appeal by a defendant may stay proceedings on the judgment unless the appellant serves and files with the notice of appeal an undertaking to the plaintiff, in an amount and with surety approved by the judge who ordered the entry of judgment, to the effect that the appellant will pay all costs and disbursements of the appeal which may be taxed against the appellant, obey the order of the appellate court upon the appeal and pay all rent and other damages accruing to the plaintiff during the pendency of the appeal. Upon service and filing of this undertaking, all further proceedings in enforcement of the judgment appealed from are stayed pending the determination of the appeal. Upon service by the appellant of a copy of the notice and appeal and approved undertaking upon the sheriff holding an issued but unexecuted writ of restitution or of execution, the sheriff shall promptly cease all further proceedings thereon pending the determination of the appeal.

**808.08 Further proceedings in trial court.** When the record and remittitur are received in the trial court:

(1) If the trial judge is ordered to take specific action, the judge shall do so as soon as possible.

(2) If a new trial is ordered, the trial court, upon receipt of the remitted record, shall place the matter on the trial calendar.

(3) If action or proceedings other than those mentioned in sub. (1) or (2) is ordered, any party may, within one year after receipt of the remitted record by the clerk of the trial court, make appropriate motion for further proceedings. If further proceedings are not so initiated, the action shall be dismissed except that an extension of the one-year period may be granted, on notice, by the trial court, if the order for extension is entered during the one-year period.

**808.09 Reversal, affirmance or modification of judgment.** Upon an appeal from a judgment or order an appellate court may reverse, affirm or modify the judgment or order as to any or all of the parties; may order a new trial; and, if the appeal is from a part of a judgment or order, may reverse, affirm or modify as to the part appealed from. In all cases an appellate court shall remit its judgment or decision to the court below and thereupon the court below shall proceed in accordance with the judgment or decision.

**808.10 Review by the supreme court.** A decision of the court of appeals is reviewable by the supreme court only upon a petition to appeal granted by the supreme court. The petition to appeal shall be filed in the supreme court within 30 days of the date of the decision of the court of appeals.

**SECTION 118.** Chapter 817 of the statutes is repealed.

SECTION 119. 823.02 of the statutes is amended to read:

**823.02 Injunction against public nuisance, time extension.** An action to enjoin a public nuisance may be commenced and prosecuted in the name of the state, either by the attorney general on information obtained by the department of justice, or upon the relation of a private individual, sewerage commission created under ss. 66.20 to 66.26 or a county, having first obtained leave therefor from the court. An action to enjoin a public nuisance may be commenced and prosecuted by a city, village or town in its own name, and it is not necessary to obtain leave from the court to commence or prosecute ~~such the~~ action. The same rule as to liability for costs shall govern as in other actions brought by the state. No stay of any order or judgment enjoining or abating, in any action under this section, may be had unless the appeal ~~be is~~ taken within 5 days after notice of entry of ~~such the~~ judgment or order or service of the injunction. Upon appeal and stay, the return to the court of appeals or supreme court shall be made immediately.

SECTION 120. 879.27 (1), (2), (3) and (5) of the statutes are amended to read:

879.27 (1) (title) APPEAL IS TO THE COURT OF APPEALS. Any person aggrieved by any appealable order or judgment of the probate court may appeal or take a writ of error therefrom to the ~~supreme~~ court of appeals.

(2) (title) EFFECT OF TITLE XLII-A. In all matters not otherwise provided for in this chapter relating to appeals from probate courts to the ~~supreme~~ court of appeals, the law and rules of practice of Title ~~XLIIA~~ XLII-A govern.

(3) TIME LIMIT. Except as provided in s. 879.31, the time within which a writ of error may be issued or an appeal taken to obtain a review by the ~~supreme~~ court of appeals of any appealable order or judgment of the probate court is limited to 60 days from the date of entry thereof.

(5) LIMITATION ON BOND AND COSTS. On appeals from probate courts to the ~~supreme~~ court of appeals no bond ~~shall may~~ be required of, or costs awarded against any alleged incompetent or person acting in behalf of an alleged incompetent on an appeal from an adjudication of incompetency, and no bond ~~shall may~~ be required of any personal representative, guardian or trustee of a testamentary trust.

SECTION 121. 880.33 (2) (a) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

880.33 (2) (a) The proposed ward has the right to counsel whether or not present at the hearing on determination of competency. The court shall in all cases require the appointment of a guardian ad litem and may in addition require representation by full legal counsel if the guardian ad litem or the proposed incompetent requests or if the interests of justice so require. If the person requests but is unable to obtain counsel, the court shall refer the person to the state public defender for an indigency determination and appointment of counsel under ch. ~~997~~ 977. If the person is indigent, the county of legal settlement shall be liable for guardian ad litem fees, if any. The proposed ward shall have the right to a trial by a jury of 6 persons, if demanded by the person, attorney or guardian ad litem. The proposed ward, attorney or guardian ad litem shall have the right to present and cross-examine witnesses, including the physician or psychologist reporting to the court under sub. (1). The attorney or guardian ad litem for the proposed ward shall be provided with a copy of the report of the physician or psychologist at least 96 hours in advance of the hearing. Any final decision of the court is subject to the right of appeal to the ~~supreme~~ court of appeals on proper application.

SECTION 122. 902.03 (1) (intro.) and (2) of the statutes are amended to read:

902.03 (1) (intro.) The courts of this state, including the court of appeals and the supreme court, shall take judicial notice of:

(2) The courts of this state, including the court of appeals and the supreme court, may take judicial notice, if requested by a party and supplied with the necessary information, of all rules and orders of federal agencies.

SECTION 123. 969.01 (2) (d) of the statutes is amended to read:

969.01 (2) (d) The supreme court or a justice thereof or the court of appeals or a judge thereof may allow bail after conviction.

SECTION 124. 973.08 of the statutes is renumbered 973.08 (1) and amended to read:

973.08 (1) When any defendant is sentenced to the ~~Wisconsin~~ state prisons, a copy of the judgment of conviction shall be delivered by the officer executing the judgment to the warden or superintendent of the institution when the prisoner is delivered. ~~The transcript of the testimony and proceedings shall be filed pursuant to s. 256.57 (2) within 120 days from the date sentence is imposed unless the period is extended by the court.~~

SECTION 125. 973.08 (2) of the statutes is created to read:

973.08 (2) The transcript of the testimony and proceedings shall be filed at the institution, under s. 757.57 (2), in the following manner:

(a) The transcript of any portion of the proceedings relating to the prisoner's sentencing, within 120 days from the date sentence is imposed.

(b) The transcript of all other testimony and proceedings upon order of a court, within 120 days of a request by the prisoner or the state.

SECTION 126. 974.01 of the statutes is repealed and recreated to read:

**974.01 Misdemeanor appeals.** (1) Appeals in misdemeanor cases are to the court of appeals.

(2) In lieu of a transcript on appeal, the oral proceedings may be presented in an agreed statement signed by all the parties to the appeal. This shall be a condensed statement in narrative form of all of the portions of the oral proceedings as are necessary to determination of the question on appeal.

SECTION 127. 974.02 of the statutes is repealed and recreated to read:

**974.02 Appeals and post-conviction relief in criminal, juvenile, youthful offender and mental commitment cases.** (1) An appeal to the court of appeals by the defendant in a criminal case or a defendant, juvenile or subject individual under chs. 48, 51, 54 and 55 or a motion for post-conviction relief in a felony case must be taken in the time and manner provided in s. 809.40. An appeal of an order or judgment on habeas corpus remanding to custody a prisoner committed for trial under s. 970.03 must be taken under ss. 808.03 (2) and 809.30, with notice to the attorney general and the district attorney and opportunity for them to be heard.

(2) A motion challenging the sufficiency of the evidence is not necessary to raise on appeal the sufficiency of the evidence.

SECTION 128. 974.03 and 974.04 of the statutes are repealed.

SECTION 129. 974.05 (1) (intro.), (a) and (b) and (2) of the statutes are amended to read:

974.05 (1) (intro.) ~~A writ of error or~~ Within 45 days of entry of the judgment or order to be appealed and in the manner provided for civil appeals under chs. 808 and 809, an appeal may be taken by the state from any:

(a) Final order or judgment adverse to the state made before jeopardy has attached or after waiver thereof or after the setting aside of a verdict of guilty or finding of guilty, whether following a trial or a plea of guilty or no contest.

(b) Order granting ~~a new trial~~ post-conviction relief under s. 974.02 or 974.06.



(2) ~~Whenever~~ If the defendant appeals or prosecutes a writ of error, the state may move to review rulings of which it complains, as provided by s. ~~817.12~~ 809.10 (2) (b).

SECTION 130. 974.06 (1) of the statutes is amended to read:

974.06 (1) ~~A~~ After the time for appeal or post-conviction remedy provided in s. 974.02 has expired, a prisoner in custody under sentence of a court claiming the right to be released upon the ground that the sentence was imposed in violation of the U.S. constitution or the constitution or laws of this state, that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

SECTION 131. **Pending appeals and cases.** (1) The court of appeals does not have jurisdiction to consider any appeal or supervisory jurisdiction case in which the brief of the respondent is filed before April 1, 1978.

(2) The supreme court may transfer an appeal or supervisory jurisdiction case pending before the supreme court on August 1, 1978, if the brief of the respondent was filed on or after April 1, 1978.

(3) The provisions of section 808.05 of the statutes shall apply to any appeal or case transferred to the court of appeals under this section.

(4) Appeals, reviews of administrative agency decisions and supervisory jurisdiction cases filed prior to and pending on August 1, 1978, in circuit court shall remain in that court for disposition.

SECTION 132. **Personnel.** The supreme court may employ law clerks for the judges of the court of appeals authorized under section 751.02 of the statutes for the period June 1, 1978, to August 1, 1979.

SECTION 133. **Initial election.** The initial election of all court of appeals judges shall be held at the spring election in 1978. In each court of appeals district, the initial terms of the 3 available court of appeals seats shall be 2, 4 and 6 years, respectively. Candidates may file nomination papers for one seat only, and must specify on such papers whether the judgeship for which they are filing is for the 2-year term, the 4-year term or the 6-year term. The candidates at the initial election shall be designated on the ballot as follows: "For Court of Appeals Judge, 6-year term", "For Court of Appeals Judge, 4-year term" and "For Court of Appeals Judge, 2-year term".

SECTION 134. **Word changes.** (1) Wherever the term "supreme court" appears in the following sections of the statutes, the term "court of appeals" is substituted: 9.10 (4) (a), 30.30 (3) (c), 32.06 (7), (10) (d) and (13), 66.014 (7) (b), 66.021 (10) (b), 73.015 (2), 88.09 (2), 102.64 (3), 111.07 (7), 117.01 (2) (b) and (4) (b) 2, 215.32 (12) (d) and 227.21.

(2) Wherever the term "circuit court" appears in the following sections of the statutes, the term "court of appeals" is substituted: 51.20 (16) (b) and (c) and 51.45 (13) (q) 1 and 2.

SECTION 135. **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:

(1) SUPREME COURT.		
A	B	C
Statute Sections	Old Cross References	New Cross References
35.38 (intro.)	251.15	751.11
48.03 (3)	251.182	751.03
102.23 (1)(c)	251.25	751.25
299.205 (2)	251.182	751.03
345.315 (3)	251.182	751.03
751.25 (12), as re-numbered	251.29	751.29
751.28, as renumbered	251.25	751.25
751.34 (5)(intro.), as renumbered	251.28	751.28
751.35 (4), as re-numbered	251.34 (5)(c)	751.34 (5)(c)

751.73, as renumbered	251.25	751.25
	251.71	751.71
751.75, as renumbered	251.38	751.38
758.19 (2), as re- numbered	251.182	751.03
801.58 (2)	251.182	751.03
801.58 (6)	251.182	751.03
801.59	251.182	751.03
971.10 (2)(b)	251.182	751.03
971.20 (4)	251.182	751.03

(2) CIRCUIT COURTS.

A	B	C
Statute Sections	Old Cross References	New Cross References
20.923 (3)	252.071	753.071
41.07 (3)	252.016 (2)	753.016 (2)
48.03 (3)	252.19	753.19
133.06 (3)	252.073	753.073
150.09	252.17	753.17
163.71 (1)(c)	252.075	753.075
247.13 (1)	252.17	753.17
753.016 (2), as re- numbered	252.14	753.14
753.016 (3)(e) and (5), as renumbered	252.071	753.071
753.071 (1), as re- numbered	252.016 (3) to (5)	753.016 (3) to (5)
753.072, as renumbered	252.016	753.016
753.076, as renumbered	252.016	753.016
753.175, as renumbered	252.071	753.071
753.19, as renumbered	252.075	753.075
807.04	252.17	753.17
807.09 (1)	252.18	753.18
887.26 (7)	ch. 252	ch. 753
	252.14 (2)	753.14 (2)
	252.17	753.17

(3) COUNTY COURTS.

A	B	C
Statute Sections	Old Cross References	New Cross References
17.026 (4)	253.195	754.195
20.625 (1)(b)	253.07	754.07
20.923 (3)	253.07 (2)	754.07 (2)
41.10 (8)	253.07 (1)	754.07 (1)
48.03 (3)	253.35 (3)	754.35 (3)
72.01 (18)	253.08	754.08
701.01 (2)	253.10	754.10
754.01, as renumbered	253.10 (1)	754.10 (1)
754.08 (2), as re- numbered	253.10 to 253.14	754.10 to 754.14
754.08 (3m), as re- numbered	253.05 (1)	754.05 (1)
754.164, as renumbered	253.05 (1m)	754.05 (1m)
754.17 (1), as re- numbered	253.11	754.11
754.30 (1), as re- numbered	253.16	754.16
754.32 (8), as re- numbered	253.18	754.18
754.35 (2), as re- numbered	253.32	754.32
754.35 (6), as re- numbered	253.33	754.33
	253.344	754.344
	253.345	754.345
	253.36	754.36
	253.08	754.08

(4) MUNICIPAL COURTS.

A	B	C
Statute Sections	Old Cross References	New Cross References
755.13, as renumbered	254.12	755.12

(5) JURORS.

A	B	C
Statute Sections	Old Cross References	New Cross References
270.15 (1)	255.04	756.04
298.03	255.096	756.096
345.43 (3)(c)	255.04	756.04
655.03 (2)(a) 3	255.04	756.04
756.02 (3)(c), as re- numbered	255.01 (2)	756.01 (2)
756.03 (1), as re- numbered	255.01	756.01
756.04 (1), as re- numbered	255.04 to 255.07	756.04 to 756.07
756.04 (2)(a), as re- numbered	255.05	756.05
756.04 (6), as re- numbered	255.08	756.08

756.07, as renumbered	255.05	756.05
756.095, as renumbered	ch. 255	this chapter
756.096, as renumbered	255.04 (2)(b)	756.04 (2)(b)
756.10 (1) and (2), as renumbered	255.04	756.04
756.10 (5), as re- numbered	255.04 (3)	756.04 (3)
756.26, as renumbered	255.25	756.25
879.41 (2)	255.25	756.25
979.14	255.25	756.25

(6) GENERAL COURT PROVISIONS.

A	B	C
Statute Sections	Old Cross References	New Cross References
16.30 (4)(a) 8	256.17	757.17
19.01 (1)(intro.)	256.02	757.02
	256.29	757.29
20.625 (2)(a)	256.65	757.65
20.923 (3)	256.02 (4)	757.02 (4)
35.93 (6)(a)	256.40	757.40
51.20 (6)	256.55	757.55
51.45 (13)(p)	256.57	757.57
66.04 (3)	256.17	757.17
168.05 (2) and (4)	256.17	757.17
215.26 (5)	256.17	757.17
223.105 (1)(b)	256.28	757.28
295.02 (6)	256.03 to 256.07	757.03 to 757.07
754.33 (1)(e), as re- numbered	256.55	757.55
757.06 (1), as re- numbered	256.04 (1)	757.04 (1)
757.06 (2), as re- numbered	256.04 (2)	757.04 (2)
757.07, as renumbered	256.03	757.03
	256.06	757.06
757.281 (2), as re- numbered	256.28 (2)	757.28 (2)
757.282, as renumbered	256.28 (1)	757.28 (1)
757.41, as renumbered	256.40	757.40
801.15 (1)	256.17	757.17
879.17	256.27	757.27
945.041 (5)	ch. 256	ch. 757
990.001 (4)(e)	256.17	757.17

(7) JUDICIAL BRANCH AGENCIES.

A	B	C
Statute Sections	Old Cross References	New Cross References
20.645 (1)(a)	257.13	758.13
20.680 (2)(a)	257.19	758.19
300.22	257.19 (5)	758.19 (5)
753.073, as renumbered	257.15	758.15
758.17 (2), as re- numbered	257.15	758.15
968.33	257.19	758.19

(8) APPEALS.

A	B	C
Statute Sections	Old Cross References	New Cross References
45.50 (4)	ch. 817	chs. 808 and 809
48.911	ch. 817	chs. 808 and 809
51.45 (13)(q) 1	ch. 817	chs. 808 and 809
196.43 (2)	817.11 (3)	808.07
226.13	817.29	808.07
345.50 (1)	ch. 817	chs. 808 and 809
551.62 (2)	817.11 (3)	808.07
801.15 (2)(c)	817.01	808.04
806.08 (4)	817.14 to 817.30	808.07
895.346	817.14	808.07

(9) MISCELLANEOUS.

A	B	C
Statute Sections	Old Cross References	New Cross References
20.923 (2)(f)	20.923 (2)(a) 7	20.923 (2)(a) 8
754.26, as renumbered	Title XLII-B	Title XLII-N
754.30 (1), as re- numbered	Title XLII-B	Title XLII-N
754.32 (2) and (3), as renumbered	Title XLII-B	Title XLII-N

SECTION 136. Program responsibilities. (1) DEPARTMENT OF ADMINISTRATION. In the list of program responsibilities specified for the department of administration under section 15.101 (intro.) of the statutes, reference to sections "251.20" and "254.07" are deleted and reference to sections "751.04" and "755.07" are inserted.

(2) DEPARTMENT OF JUSTICE. In the list of program responsibilities specified for the department of justice under section 15.251 (intro.) of the statutes, reference to sections "251.19", "256.47", "257.13" and "817.05" are deleted and reference to sections "757.47", "758.13" and "974.02 (1)" are inserted.

(3) EXECUTIVE OFFICE. In the list of program responsibilities specified for the executive office under section 14.011 (intro.) of the statutes, reference to section "257.13" is deleted and reference to section "758.13" is inserted.

**SECTION 137. Reconciliation.** If a supreme court order which relates to appellate practice and procedure and which renumbers sections 251.49 and 251.51 of the statutes to be sections 809.30 and 809.40 and renumbers chapter 809, 1975 stats., and creates a new chapter 809 of the statutes does not take effect by August 1, 1978, then in the statute sections in Column A, as affected by this act, the cross references shown in Column B are changed to the cross references shown in Column C:

A	B	C
Statute Sections	Reference if the specified order takes effect by August 1, 1978	Reference if the specified order does not take effect by August 1, 1978
23.83 (3)	ch. 809	ch. 751
45.50 (4)	ch. 809	ch. 751
48.911	ch. 809	ch. 751
51.45 (13)(g) 1	ch. 809	ch. 751
62.075 (4)	ch. 809	ch. 751
345.50 (1)	ch. 809	ch. 751
806.05 (5)	ch. 809	ch. 751
974.02	809.30	751.49
	809.40	751.49
974.05 (1)(intro.)	ch. 809	ch. 751
974.05 (2)	809.10 (2)(b)	817.12, 1975 stats.

**SECTION 138. Effective dates.** (1) Except as provided in sub. (2), this act shall take effect on August 1, 1978.

(2) The treatment of sections 5.02 (7) (b), 5.58 (2), 5.60 (1) (b), 7.60 (4) (a) and (5), 7.70 (3) (d), 8.10 (3) (am) and (b) and (6) (a), 8.11 (3), 8.50 (4) (f), 11.01 (20), 11.26 (2) (a), 11.31 (1) (dm) and (g) 1 (intro.) and d, 16.08 (2) (i), 20.660, 20.923 (3), 751.02, chapter 752 (title), 752.03 to 752.05, 752.11 to 752.19 and 752.61 of the statutes by this act and SECTIONS 131, 132 and 133 of this act shall take effect on the day after publication of the act.

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