

CHAPTER 449, Laws of 1977

AN ACT to repeal 17.025 (4) (e), 17.026, 17.17 (4) (a), 20.625 (1) (b), 20.923 (2) (a) 3, 23.82 (3), 41.05 (6) (n) and (s), 41.07 (1) (a) 6 and (3), 41.10 (8), 41.11 (3), 45.12 (3), 48.03 (1) and (4), 48.04 (1), 59.23 (12), 59.41, 59.997 (12), 66.195, 72.01 (18), 751.235 to 751.244, 751.245, 751.246, 753.015, 753.02, 753.09 (1), 753.11, 753.12, 753.16, chapter 754, 756.04 (6), 757.02 (4), 757.09, 757.58, 758.27, 758.29, 758.31, 758.35, 758.37, 801.15 (3), 801.55, 814.22 (1) (f), 851.25, 851.58 and 879.45 (4); to renumber 13.80 (4), 13.90 and 753.09 (2); to renumber and amend 17.17 (4) (b), 48.03 (2) and (3), 48.04 (2), 48.54 (1), 814.22 (1) (h), 879.45 (8) and 971.20 (7); to amend 1.06, 5.02 (7), 5.15 (3), 5.58 (2), 5.60 (1) (b), 7.60 (2), (4) (a) and (b) and (5), 7.70 (3) (d), 8.10 (3) (c) and (6) (a), 8.11 (3), 8.50 (4) (f) and (g), 11.31 (1) (g) 1. d, 11.60 (4), 11.61 (2), 13.90 (1) (c) and (g), as renumbered, 17.01 (4), 17.09 (2), 17.13 (3), 17.14 (intro.), (3) and (4), 17.21 (4m), 19.01 (4) (a) and (c), 19.22 (1), 19.25, 19.46 (1) (a) 2, 20.625 (title), 20.923 (2) (a) 2 and (7), 23.50 (2), 23.66 (4), 23.83 (1), 26.14 (1), 29.05 (7), 29.594 (2), 31.35 (title) and (2), 32.05 (9) (a) (intro.), 32.06 (7) and (9) (a), 32.08 (4) and (5), 32.12 (1), 32.26 (3), 34.01 (4), 40.50 (2) (e), 41.02 (14) and (23), 41.07 (2) (a) 3 and (am) 2, 41.09 (9), 41.10 (1) (intro.), 41.11 (6) (d) 3. b, 41.21 (1) (b), 45.12 (2), 46.03 (7) (a), 46.041 (1) (a), 46.10 (5), 46.206 (3), 46.21 (2) (a), 46.22 (1) and (5) (d) and (g) 3, 48.02 (2m) and (10), 48.03 (title), 48.035, 48.04 (title), 48.06 (1) (a) and (b) and (2), 48.065 (1), (2) (intro.) and (h) and (4), 48.067 (6) and (9), 48.11 (2), 48.14 (intro.), 48.15, 48.17 (2), 48.18 (title), (5) (d) and (6), 48.19 (1) (b), 48.20 (7) and (8), 48.22 (1) and (3), 48.23 (1) (c), 48.275, 48.35 (1) (c), 48.37, 48.373, 48.39, 48.396 (2), 48.397 (1) (a), 48.40 (3) (intro.), 48.41, 48.45 (2) and (3), 48.46, 48.47 (1), 48.48 (1), (3) and (7), 48.49 (title) and (1), 48.57 (1) (a), (b), (e), (f) and (hm), 48.58 (1) (a), 48.59 (1), 48.61 (1), (5) and (6), 48.63 (2), 48.64 (4) (c), 48.84 (2) (b), 48.95, 48.992 (2), 48.993 (2), 48.995 (2) and (3), 49.172 (3), 49.19 (4) (c), 51.20 (1) (c), (6) and (16) (b) and (k), 51.77 (2) (f), 52.01 (2) and (4), 52.03 (1), (2) and (3), 52.06, 52.07, 52.10 (2) (a), 52.31, 52.32, 52.33, 56.08 (7), 56.17 (2), 57.06 (4), 59.025 (3) (intro.) and (4), 59.07 (8) and (20), 59.20 (11), 59.23 (3), 59.28 (22), 59.29 (2), 59.36, 59.38, 59.39 (2) to (9m), 59.395 (5), 59.40, 59.42 (intro.), (9) (a) and (10) (b), 59.43, 59.456 (6), 59.47 (2) and (11), 59.475, 59.49, 59.55 (3), 59.63 (1), 59.635 (3), 59.64, 59.77 (3), (4) (intro.), (5) (intro.) and (8) (intro.), 59.89 (1) and (2), 59.997 (11), 60.06 (2), 60.065 (2), 63.20, 66.081, 69.30 (1) (a), 70.19 (2), 71.303 (2), 72.27, 72.28 (1) (c) 1. b, 72.34 (2), 73.06 (4), 74.12 (2), 76.08 (1), 80.17, 80.24, 80.25, 80.48 (4), 87.16, 88.01 (3), (6) and (10), 88.03 (1), 88.05 (intro.) and (1), 88.07 (title), 88.08 (1), 88.12 (1) and (2), 88.14 (2), 88.15 (2), 88.16 (1), (2), (3) (f) and (5), 88.17 (1), 88.28 (1) (intro.), 88.34 (2), 88.47 (2), 88.81 (1), 88.89 (2), 107.03, 107.04, 108.23, 111.70 (4) (jm) 11, 112.10 (7) (b), 114.135 (2), 115.54, 115.81 (8), 128.01, 130.065 (4), 133.07 (2), 137.01 (1) (d), 142.01 (1) and (3), 142.02, 142.03 (1) and (2), 142.04 (1), 142.05 (1) and (2), 142.06, 142.07 (2) and (3), 142.08 (1m), 157.03 (6) (c), 157.11 (9) (d), 157.12 (1) (b), 170.04, 171.04 (1), 171.05, 230.12 (8), 247.01, 247.081 (intro.) and (1), 247.13 (title), (1) and (2), 286.41, 287.06 (1), 287.16, 287.17, 287.19, 288.19, 289.20 (1), 289.21 (1), 289.58 (1) and (2), 289.70 (6), 292.01 (3), 292.03, 293.03 (1), 294.02, 294.07, 295.04, 296.01, 296.02, 296.07, 296.08 (1) (a) and (2), 296.15, 296.17, 296.25 (1), 296.27, 296.28, 296.29, 296.30, 296.31, 296.32, 296.34, 296.36, 296.52, 298.04 (1), 299.09 (2), 299.20 (3), 299.205 (1), 299.21 (3) (c) and (4), 299.25 (7), 343.01

(2) (a) 4 and (d), 345.26 (2) (a), 345.30, 345.315 (1), 345.43 (1) (a), 618.61 (4) (a), 655.17 (2), 655.19 (intro.) and (1), 655.20, 701.01 (2), 701.15 (intro.), 701.16 (1) (d), 753.016 (2), (3) (b), (c) and (e) and (4) (title), 753.04, 753.071, 753.072, 753.073, 753.076, 753.09 (title), 753.18, 756.01 (1), 756.025, 756.03 (1), 756.04 (1) and (3), 756.05, 756.10 (6), 756.14, 756.22, 756.25 (1), 757.02 (1), 757.10, 757.12, 757.15, 757.19 (1), 757.24, 757.68 (2), 757.69 (1) (intro.) and (g), 757.72 (1), (2), (4) and (5), 758.13 (1), 758.17 (1), (2) and (4), 758.19 (7), 801.01 (2), 801.54 (intro.), 801.58 (1), 801.62, 803.01 (3) (b) 1, 806.04 (11), 807.02, 809.01 (1), 814.13, 814.21 (1) (intro.) and (4), 814.25 (intro.), 815.63, 822.15 (1), 822.16 (intro.), 822.17, 823.10, 847.03 (1), 847.07, 847.09, 851.55 (1), 852.01 (2), 853.09 (title) and (1), 856.01 (2), 856.03, 856.05, 856.15 (2), 856.17, 857.05 (2) and (3), 857.09, 857.19, 858.11, 859.03, 859.15, 859.23, 859.33 (1), 859.45 (2), 860.01, 860.09 (1), 863.07, 863.17, 863.27, 863.37 (1), 863.45, 863.49, 865.01, 865.065 (1), 867.01 (1) (intro.), 867.02 (1), 867.04, 867.045 (4), 867.05 (1), 867.07 (intro.), 868.03 (2) (a), 868.05 (1), chapter 878 (title), 878.01 (title) and (1), 878.03, 878.05, 878.07 (1) (intro.), 878.09, 878.11, 879.01, 879.03 (1), 879.05 (4), 879.15 (intro.), 879.27 (title), (1), (2), (3) and (5), 879.31, 879.33, 879.39, 879.41 (intro.), 879.43 (1), 879.45 (1), (2), (3), (5) and (6), 879.47, 879.53, 879.55, 879.57, 879.61, 879.67, 880.02, 880.06 (2), 880.09 (1), 880.13 (3), 880.15 (1), 880.16 (3) (a), 880.191 (2), 880.192, 880.195, 880.21 (2), 880.22 (2), 880.23, 880.245, 880.251, 880.295 (1), 880.31 (1), 889.241, 889.30 (3) (a), 891.23, 898.02, 898.04, 898.11, 898.24, 939.62 (3) (a) and (b), 948.16, 967.02 (7), 968.02 (3), 968.04 (3) (a) 6, 968.28, 969.06, 969.08 (3), 970.02 (3), (4) and (5), 970.03 (7), 971.20 (1) and (2) and 976.05 (2) (a); to repeal and recreate 20.923 (3), 45.12 (1), 48.35 (2), 66.12 (2), 751.03, 752.11 (1) (a) to (d), 753.06, 753.07, 753.075, 753.19, 756.08, 756.096 (1) and (5) and 758.15; and to create 8.10 (3) (cm), 13.56 (4), 13.90 (2), 20.625 (1) (c), 20.665, 20.923 (3m) and (7m), 46.22 (4) (k), 227.05 (5), 230.08 (2) (n), 247.13 (4) (title), 753.016 (1), 753.061, 753.077, 753.18 (3), 753.22, 753.23, 753.24, 753.26, 753.30, 753.32, 753.34, 757.60 to 757.64, 757.81 to 757.99, 758.17 (5) (d) and (e), 851.04, 851.70 to 851.75 and 971.20 (7) of the statutes, relating to making various changes concerning courts, making appropriations and granting rule-making authority.

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

SECTION 1. 1.06 of the statutes is amended to read:

1.06 Surveys by United States; adjustment of damages. Any person charged, pursuant to under the laws of the United States, with the execution of a survey or any part thereof, may enter upon any lands in this state for the purpose of doing any act necessary to the performance of the duty thereby imposed upon him, and survey. The person may erect on such the lands any signals, temporary observatories or other small frame structures, establish permanent marks of stations, and encamp thereon; provided, that he shall be on the land. The person is liable for all actual damages done thereby. If the amount of such the damages cannot be agreed upon by such the person, or any representative of the federal government of the United States, and the owner or occupant of the lands so entered upon, either of them may petition the county judge of circuit court for the county in which such the lands, or any part of them, are situated for the appointment of a day for the hearing of the parties and their witnesses and the assessment of such the damages. Such The hearing shall be held at the earliest practicable time after 14 days' notice of the time and place thereof is given to all the parties interested in such the manner as such judge shall order the court orders. The damages may be assessed by such judge the court with or without a view of the premises. If the damages so assessed do not exceed the sum tendered the occupant or owner of the land, the person who made the tender shall recover costs; if they are in excess of that sum, the other party shall recover costs, which shall be allowed and taxed in accordance with the rules of the court.

SECTION 2. 5.02 (7) of the statutes, as affected by chapters 187 and 427, laws of 1977, is amended to read:

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

SECTION 3. 5.15 (3) of the statutes is amended to read:

5.15 (3) If any municipality fails to comply with this section, any voter residing in ~~such the~~ municipality may submit to the circuit court for ~~such the~~ municipality within 2 weeks from the expiration of the 90-day period under this section a proposed plan for the division of the municipality into wards in compliance with this section. ~~In any circuit court having more than one branch, the petition shall be filed in branch 1.~~ If the circuit court finds that the existing division of the municipality into wards fails to comply with this section, it shall review the plan submitted by the petitioner and may promulgate it, or any other plan in compliance with this section, as a temporary ward plan for the affected municipality to remain in effect until superseded by a ward plan ~~enacted~~ adopted by the ~~respective~~ governing ~~board~~ body in compliance with this section.

SECTION 4. 5.58 (2) of the statutes, as affected by chapters 187 and 272, 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~~ supervisor. In counties over 500,000 population the ballot also shall include those offices under s. 8.11 (2). The arrangement of names for state superintendent, ~~justices~~ justice, court of appeals judge, and 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, and candidates for county executive and county ~~supervisors~~ supervisor within a county shall be arranged by the county clerk, or by the executive secretary of the county board of election ~~commission~~ commissioners 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 5. 5.60 (1) (b) of the statutes, as affected by chapter 187, laws of 1977, 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 6. 7.60 (2), (4) (a) and (b) and (5) of the statutes, as affected by chapters 187 and 427, laws of 1977, are amended to read:

7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 reputable citizens previously chosen by ~~him~~ shall the clerk constitute the county board of canvassers. One member of the board of canvassers shall belong to a political party other than the clerk's. If the county clerk's office is vacant, or if the clerk cannot perform his ~~or her~~ duties, the chairperson of the county judge board of supervisors or reputable citizen appointed by ~~him~~ the chairperson shall perform the county clerk's duties, and ~~shall be~~

is subject to the same punishments for violations. No person ~~shall~~ may serve on the county board of canvassers ~~when he~~ if the person is a candidate for an office to be canvassed by that board. If lists of candidates for the county board of canvassers are submitted to the county clerk by political party county committees, the lists shall consist of at least 3 names and the clerk shall choose the board members from the lists. Where there is a county board of election commissioners, it shall perform these duties.

(4) (a) The board of canvassers shall make separate duplicate statements for the president and vice president; ~~the state officials; the U.S. senators and representatives in congress; the state legislators; the justices~~ justice; court of appeals ~~judges~~ judge; ~~and 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.

(b) The board of canvassers shall then prepare a written determination, in duplicate where necessary, giving those persons receiving the highest number of votes and therefore elected, to any county office, ~~and to any county judgeship unless the district consists of more than one county.~~

(5) REPORTING. Immediately following the canvass the county clerk shall send the elections board, by certified mail with return receipt requested, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge, and 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 or principle designation, if any, and number of votes received by each candidate by voting wards or by municipalities, if not divided into wards.

SECTION 7. 7.70 (3) (d) of the statutes, as affected by chapters 187 and 427, laws of 1977, 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, state treasurer, attorney general, and state superintendent; for U.S. senator; representative in congress for each congressional district; the state legislature; justice; court of appeals ~~judgeship~~ judge; circuit judge; ~~county judge when the district consists of more than one county;~~ and for any referenda questions submitted by the legislature.

SECTION 8. 8.10 (3) (c) and (6) (a) of the statutes, as affected by chapter 187, laws of 1977, are amended to read:

8.10 (3) (c) For judicial offices ~~and county executives~~ in counties over 500,000 population, not less than ~~2,000~~ 1,000 nor more than ~~4,000~~ 2,000 electors;

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

SECTION 9. 8.10 (3) (cm) of the statutes is created to read:

8.10 (3) (cm) For county executives in counties over 500,000 population, not less than 2,000 nor more than 4,000 electors;

SECTION 10. 8.11 (3) of the statutes, as affected by chapter 187, laws of 1977, 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 for~~ justice, for court of appeals judge in the same district or for judge of the same branch of circuit ~~or county~~ court.

SECTION 11. 8.50 (4) (f) of the statutes, as affected by chapters 187 and 340, laws of 1977, is amended to read:

8.50 (4) (f) A vacancy in the office of judge or justice occurring on or before December 12 shall be filled, if 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 in the office of justice, at the first spring election when no other justice is to be elected. A vacancy in the office of ~~county~~ or circuit judge occurring after December 12 shall be filled at the spring election the next year; 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 11m. 8.50 (4) (g) of the statutes, as affected by chapter 427, laws of 1977, is amended to read:

8.50 (4) (g) ~~Whenever~~ If through neglect or failure, an elected officer who should have been chosen at the spring or general election is not chosen at that election, a special election may be held to fill the vacancy; but no special election may be held for any school or county officer after the time when the officer's term would have commenced had such person been elected at the proper spring or general election, and no election may be held to fill a vacancy in the office of justice or judge except as authorized in par. (f).

SECTION 12. 11.31 (1) (g) 1. d of the statutes, as created by chapter 187, laws of 1977, is amended 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 13. 11.60 (4) of the statutes is amended to read:

11.60 (4) Actions under this section arising out of an election for state or national office or a statewide referendum may be brought by the board or by the district attorney of the county ~~wherein~~ where the violation is alleged to have occurred, except as specified in s. 11.38. Actions under this section arising out of an election for local office or local referendum may be brought by the district attorney of the county ~~wherein~~ where the violation is alleged to have occurred. If a violation concerns a district attorney or ~~county~~ circuit judge or candidate for such offices, the action shall be brought by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint special counsel to bring suit in behalf of the state. ~~Such person~~ The counsel shall be independent of the attorney general and need not be a state employe at the time of his or her appointment.

SECTION 14. 11.61 (2) of the statutes is amended to read:

11.61 (2) Except as provided in s. 11.38 (5), all prosecutions under this section shall be conducted by the district attorney of the county where the violation is alleged to have occurred. In the event that the district attorney does not act upon a sworn complaint by any person, the attorney general may then conduct the prosecution under this section. If a violation concerns a district attorney or ~~county~~ circuit judge or candidate for such offices, the prosecution shall be conducted by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint a special prosecutor to conduct the prosecution in behalf of the state. The prosecutor shall be independent of the attorney general and need not be a state employe at the time of ~~his~~ appointment.

SECTION 15. 13.56 (4) of the statutes is created to read:

13.56 (4) PARTICIPATION IN CERTAIN PROCEEDINGS. The cochairpersons of the joint committee for review of administrative rules or their designated agents shall accept service made under ss. 227.05 (5) and 806.04 (11). If the committee determines that the legislature should be represented in the proceeding, it shall request

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the joint committee on legislative organization to designate the legislature's representative for the proceeding. The costs of participation in the proceeding shall be paid from the appropriation under s. 20.765 (1) (a), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (2) (d).

SECTION 16. 13.80 (4) of the statutes, as affected by chapter 3, laws of 1977, is renumbered 13.90 (3).

SECTION 17. 13.90 of the statutes is renumbered 13.90 (1), and 13.90 (1) (c) and (g), as renumbered, are amended to read:

13.90 (1) (c) Meet not less than once in every 4 months to carry out its policy-making duties, and for the purposes of this ~~subsection~~ paragraph the committee may provide a method of procuring decisions by mail.

(g) Supervise the development of programs for computer use and approve and monitor computer operations in the legislative process. All contracts for legislative computer equipment and services shall be signed by the ~~cochairmen~~ cochairpersons.

SECTION 18. 13.90 (2) of the statutes is created to read:

13.90 (2) The cochairpersons of the joint committee on legislative organization or their designated agent shall accept service made under s. 806.04 (11). If the committee, the senate organization committee or the assembly organization committee, determines that the legislature should be represented in the proceeding, that committee shall designate the legislature's representative for the proceeding. The costs of participation in the proceeding shall be paid from the appropriation under s. 20.765 (1) (a), except that such costs incurred by the department of justice shall be paid from the appropriation under s. 20.455 (2) (d).

SECTION 19. 17.01 (4) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

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

SECTION 20. 17.025 (4) (e) of the statutes is repealed.

SECTION 21. 17.026 of the statutes, as affected by chapters 29, 187 and 418, laws of 1977, is repealed.

SECTION 22. 17.09 (2) of the statutes is amended to read:

17.09 (2) CLERK OF CIRCUIT COURT. The clerk of the circuit court, by the judge or a majority of judges of the circuit court for ~~his~~ the clerk's county, ~~in term time or vacation~~, for cause.

SECTION 23. 17.13 (3) of the statutes is amended to read:

17.13 (3) ALL OFFICERS. Any village, town, school district or vocational, technical and adult education district officer, elective or appointive, including those embraced within subs. (1) and (2), by the judge of the circuit court of the circuit wherein the village, town, school district or vocational, technical and adult education district is situated, ~~in term time or vacation~~, for cause.

SECTION 24. 17.14 (intro.), (3) and (4) of the statutes are amended to read:

17.14 Removal; assessors; boards of review; county boards; procedure. (intro.) Any assessor and any member of a board of review or of a county board of supervisors, in addition to being removable as otherwise provided, may be removed by the ~~presiding judge of the circuit court for his~~ the county, ~~in term time or vacation of the assessor or member~~, as follows:

(3) PROCEDURE. Removals under this section may be made by the circuit judge ~~in term time or vacation~~, by order specifying the cause thereof, a copy of which order shall be certified by the circuit judge to the proper town, village or city clerk. ~~Such~~ The removal shall be made only upon a duly verified petition signed by a ~~freeholder and taxpayer~~ resident of the county setting forth fully the charges preferred against

~~such the~~ officer. The district attorney of the county upon complaint showing cause therefor shall prepare the petition and have the ~~same~~ petition duly verified by the complainant. The judge, upon the presentation of the petition, shall by an order to show cause, which shall be served upon ~~such the~~ officer personally at least 16 days prior to the hearing, fix a time and place for hearing the matters alleged in the petition. The testimony shall be taken and the proceedings conducted under such reasonable regulations as the judge ~~shall prescribe~~ prescribes. The district attorney shall attend the hearing and conduct the proceedings on behalf of the petitioner. The removal of ~~such the~~ officer shall disqualify ~~him~~ the officer from holding ~~such the~~ office for 3 years from the date of the order of removal.

(4) COSTS. If the ~~presiding judge court~~, after a hearing on the merits, dismisses the petition and further finds the complaint was wilful and malicious and without probable cause, ~~such judge the court~~ shall order judgment in favor of the officer and against the petitioner for \$10 ~~attorney's~~ attorney fees and for the costs and fees of witnesses and officers incurred on behalf of ~~such the~~ officer. The judgment shall be signed by the clerk of the circuit court and entered and docketed in the clerk's office as the judgment of the circuit court ~~in term~~. An execution may be issued thereon against the property of the petitioner in the same mode as upon a judgment entered in the circuit court in civil actions founded in tort. Upon the return of ~~such the~~ execution unsatisfied in whole or in part, an execution against the person of the petitioner may be issued in the manner and with the force and effect of an execution against the person as provided in ss. 815.01 to 815.10. In all other cases the judge may order that the expenses incurred in procuring witnesses and other needed actual expenses, be paid out of the treasury of the county in which ~~such the~~ officer resides upon certificates of the clerk of ~~said the~~ court.

SECTION 25. 17.17 (4) (a) of the statutes, as created by chapter 187, laws of 1977, is repealed.

SECTION 26. 17.17 (4) (b) of the statutes, as created by chapter 187, laws of 1977, is renumbered 17.17 (4) and amended to read:

17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court of appeals judge or judge of any a circuit court of record, ~~except as provided in par. (a)~~, by the administrative director of courts to the governor and the elections board.

SECTION 27. 17.21 (4m) of the statutes is amended to read:

17.21 (4m) CLERK OF COURT. In the office of clerk of circuit court, by appointment of the judge, or by a majority of the judges of the circuit court ~~of such for the~~ county, ~~in term time or vacation~~, for the residue of the unexpired term of the clerk.

SECTION 28. 19.01 (4) (a), as affected by chapter 187, laws of 1977, and (c), as affected by chapter 305, laws of 1977, of the statutes are 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;

(c) In the office of the clerk of the circuit court ~~of for~~ any county: Of ~~the county judge, of~~ all court commissioners, of all family court commissioners, of all municipal judges, and of all other judges or judicial officers elected or appointed ~~in and~~ for ~~such that~~ county, or whose jurisdiction is limited thereto;

SECTION 29. 19.22 (1) of the statutes is amended to read:

19.22 (1) If any public officer refuses or neglects to deliver to his or her successor any official property or things as required in s. 19.21, or if ~~such the~~ property or things shall come to the hands of any other person who refuses or neglects, on demand, to

deliver ~~the same them~~ to the successor in ~~such the~~ office, ~~such the~~ successor may make complaint ~~thereof~~ to any circuit judge of a court of record for the ~~circuit or~~ county where the person ~~so~~ refusing or neglecting resides. If ~~such the~~ judge ~~be is~~ satisfied by the oath of the complainant and ~~such other~~ testimony as may be offered that ~~any such~~ the property or things are withheld ~~he, the~~ judge shall grant an order directing the person so refusing to show cause ~~before him~~, within some short and reasonable time, why ~~he the person~~ should not be compelled to deliver the ~~same~~ property or things.

SECTION 30. 19.25 of the statutes, as affected by chapter 187, laws of 1977, 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 31. 19.46 (1) (a) 2 of the statutes, as affected by chapter 277, laws of 1977, is amended to read:

19.46 (1) (a) 2. Deliver copies of ~~such the~~ statement to the board, to his or her immediate superior, if any, and in the case of a legislator to the presiding officer of his or her house ~~or~~, in the case of a justice ~~or judge~~, to the supreme court, in the case of a judge of the court of appeals, to the chief judge of the court of appeals, or in the case of a circuit judge, to the chief judge of the judicial administrative district; and

SECTION 32. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

		1977-78	1978-79
20.625	Circuit courts		
(1)	COURT OPERATIONS		
(c)	Permanent reserve judges	GPR A -0-	143,200
20.665	Judicial commission		
(1)	JUDICIAL CONDUCT		
(a)	General program operations	GPR A -0-	55,300
(b)	Attorney fees	GPR A -0-	13,800

SECTION 33. 20.625 (title) of the statutes is amended to read:

20.625 (title) Circuit courts.

SECTION 34. 20.625 (1) (b) of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 35. 20.625 (1) (c) of the statutes is created to read:

20.625 (1) (c) *Permanent reserve judges.* The amounts in the schedule for reimbursement of permanent reserve judges under s. 753.075 (3) (b).

SECTION 36. 20.665 of the statutes is created to read:

20.665 Judicial commission. There is appropriated to the judicial commission:

(1) JUDICIAL CONDUCT. (a) *General program operations.* The amounts in the schedule for the general program operations of the judicial commission.

(b) *Attorney fees.* The amounts in the schedule for reimbursement of attorney fees under s. 757.99.

(m) *Federal aid.* All federal money received as authorized under s. 16.54 and approved by the joint committee on finance under s. 13.101 to carry out the purposes for which made and received.

SECTION 37. 20.923 (2) (a) 2 of the statutes is amended to read:

20.923 (2) (a) 2. Circuit judge: executive salary group ~~3~~ 4. From July 1, 1979, until June 30, 1980, the salary group is executive salary group 5. On and after July 1, 1980, the salary group is executive salary group 6.

SECTION 38. 20.923 (2) (a) 3 of the statutes is repealed.

SECTION 39. 20.923 (3) of the statutes, as affected by chapters 187 and 418, laws of 1977, is repealed and recreated to read:

20.923 (3) JUSTICES AND JUDGES. The annual salary for any supreme court justice or judge of the court of appeals or circuit court shall be established under sub. (2), except that any compensation adjustments granted under s. 230.12 shall not become effective until such time as any justice or judge of the same court takes the oath of office.

SECTION 40. 20.923 (3m) of the statutes is created to read:

20.923 (3m) CIRCUIT JUDGES. The annual salary for any circuit judge, including county supplements paid under ss. 752.016 (2) and 752.071 and any other cost of living or salary adjustment paid by a county 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.), 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. Each county shall reduce its county supplement and any other cost of living or salary adjustment paid by the county to any circuit 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. This subsection does not apply after July 1, 1980.

SECTION 42. 20.923 (7) of the statutes is amended to read:

20.923 (7) COURT REPORTERS. The salary range for circuit ~~and county~~ court reporter shall be established as an amount equal to the salary range for stenographic reporter 2 in the state classification and compensation plan for positions in the classified service. ~~The Except as provided in sub. (7m), the~~ rate payable on original appointment shall be the minimum of the salary range; ~~however, if~~. If a potential appointee possesses unusual qualifications directly related to the requirements of the position, the appointing officer may hire him ~~or her~~ at any step up to the three-quarter point of the salary range commensurate with the employe's prior experience. Pay adjustments based on merit may be granted annually by the appointing officer and they shall be in an amount equal to the salary range step for stenographic reporter 2. If the stenographic reporter 2 classification is abolished or reduced in salary grade, the salary range and other provisions related thereto shall remain in effect as to circuit ~~and county~~ court reporters, subject to change by the legislature.

SECTION 43. 20.923 (7m) of the statutes is created to read:

20.923 (7m) COURT REPORTERS. The salary of any circuit court reporter employed on August 1, 1978, and the salary of any county court reporter or assistant reporter who becomes a circuit court reporter under s. 753.071 (1) on that date shall continue at the same rate of pay earned by the court reporter or assistant reporter immediately prior thereto. Thereafter, these court reporters are eligible for pay adjustments as provided in sub. (7), except the adjustments shall be computed and paid without regard to the portion of salary, if any, the reporters previously received as county supplements. The court reporters shall receive credit for all hours of sick leave and annual leave accrued but not used as a reporter for a court of record as of August 1, 1978.

SECTION 44. 23.50 (2) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

23.50 (2) All actions to recover such forfeitures and penalty assessments are civil actions in the name of the state of Wisconsin, shall be heard in the ~~county circuit~~ court ~~of for~~ the county where the offense occurred, and shall be recovered ~~pursuant to under~~ the procedure set forth in ss. 23.50 to 23.85. ~~Circuit courts shall not have original jurisdiction over such actions.~~

SECTION 45. 23.66 (4) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

23.66 (4) The basic amount of the deposit shall be determined in accordance with a deposit schedule which the ~~board of county judges~~ judicial conference shall establish. Annually, the ~~board~~ judicial conference shall review and may revise the schedule. In addition to the basic amount determined according to the schedule, the deposit shall include court costs, suit tax and a penalty assessment if applicable.

SECTION 46. 23.82 (3) of the statutes, as affected by chapter 305, laws of 1977, is repealed.

SECTION 47. 23.83 (1) of the statutes, as affected by chapters 187 and 305, laws of 1977, is amended to read:

23.83 (1) JURISDICTION ON APPEAL. Appeal may be taken by either party. On appeal from the ~~county circuit~~ court, the appeal is to the court of appeals.

SECTION 48. 26.14 (1) of the statutes is amended to read:

26.14 (1) State forest rangers, town chairmen, emergency fire wardens, conservation wardens and other duly appointed deputies shall take prompt measures against the spread and illegal setting of forest fires. They have the power of sheriffs to arrest, without warrant, for violations of any section of the statutes relating to ~~such~~ the fires. They may execute and serve all warrants and processes in the same manner as any constable may serve and execute such processes, and arrest any person detected in the actual violation, or whom ~~such~~ the officer has reasonable cause to believe guilty of a violation of this chapter, and take ~~such~~ the person before ~~any~~ the circuit court ~~in~~ for the county where the offense was committed and make proper complaint. They may call upon any able-bodied citizen to assist in fighting ~~such~~ fires in such manner as they direct.

SECTION 49. 29.05 (7) of the statutes is amended to read:

29.05 (7) SALE OF CONFISCATED PROPERTY. They shall seize and hold subject to the order of the court ~~or judge located in~~ for the county in which the alleged offense was committed, any apparatus, appliance, or any vehicle or device, declared by this chapter to be a public nuisance, which they have probable cause to believe is being used in violation of this chapter or ss. 346.94 (6) ~~And and~~ (6m), 940.24, 941.20, 941.22 and 947.047, and if it is proven that the same is, or has been within 6 months previous to ~~such~~ the seizure, used in violation of this chapter or ss. 346.94 (6) and (6m), 940.24, 941.20, 941.22 and 947.047, the same shall be confiscated if the court so directs in its order for judgment. Any seizure of perishable property made by the department or its wardens may be sold at the highest available price, and the proceeds of ~~such~~ the sale turned into court to await disposition of ~~such~~ the proceeds as the court directs. It is lawful for any conservation warden or other ministerial officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state, to destroy any dog found running, worrying, or killing any deer, or destroying game birds, their eggs or nests, ~~wherein~~ if they deem it advisable and necessary.

SECTION 50. 29.594 (2) of the statutes is amended to read:

29.594 (2) The department shall investigate ~~and settle~~ all claims and make a decision on the amount of the damage. In all cases where the department and 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 a county judge of the county wherein the claimant resides to try and determine all issues. At the time set such judge shall hear the parties, and in such manner as he determines, 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 under ch. 227.

SECTION 51. 31.35 (title) and (2) of the statutes are amended to read:

31.35 (title) Dams in areas leased by county; restrictions; control by circuit judge; when.

(2) The ~~county judge of circuit court for the county wherein said~~ where the leased lands are located shall, upon petition and proof that any cranberry marsh or crops or works thereon are endangered or likely to be damaged by the operation of any dam or water control, make a summary order for the release, impounding or control of the waters affected by ~~such the~~ dam or dams, to be and remain in force until dissolved by due notice and hearing.

SECTION 52. 32.05 (9) (a) (intro.) of the statutes is amended to read:

32.05 (9) (a) (intro.) Any party having an interest in the property condemned may, within 2 years after the date of taking, appeal from the award, except as ~~hereinafter~~ limited by this subsection by applying to the judge of the circuit ~~or county~~ court ~~of for~~ the county wherein the property is located for assignment to a commission of county condemnation commissioners as provided in s. 32.08, except that if the condemning authority is a housing authority organized under ss. 66.40 to 66.404, a redevelopment authority organized under s. 66.431 or a community development authority organized under s. 66.4325, the appeals may be initiated by filing with the condemning authority a letter requesting that the issue of the amount of ~~such the~~ compensation be determined by the condemnation commission. The condemning authority shall, upon receipt of ~~such the~~ letter, apply to the judge of the circuit ~~or county~~ court ~~of for~~ the county wherein the property is located for assignment to a commission of county condemnation commissioners as provided in s. 32.08. ~~Such This~~ application shall contain a description of the property condemned and the names and ~~last known last-known~~ addresses of all parties in interest but shall not disclose the amount of the jurisdictional offer nor the amount of the basic award. Violation of this prohibition shall nullify ~~such the~~ application. Notice of ~~such the~~ application shall be given to the clerk of the court and to all other persons other than the applicant who were parties to the award. ~~Such The~~ notice may be given by certified mail or personal service. Upon proof of ~~such the~~ service the judge shall forthwith make ~~such~~ assignment. Where one party in interest has appealed from the award, no other party in interest who has been served with a notice of ~~such the~~ appeal may take a separate appeal, but may join in the appeal by serving notice upon the condemnor and the appellant of the party's election to do so. ~~Such The~~ notice shall be given by certified mail or personal service within 10 days after receipt of notice of the appeal and shall be filed with the clerk of the court. Upon failure to give and file ~~such the~~ notice all other parties of interest shall be deemed not to have appealed. The result of ~~such the~~ appeal shall not affect parties who have not joined in the appeal as ~~hereinabove~~ provided in this paragraph. In cases involving more than one party in interest with a right to appeal, the first of ~~such the~~ parties filing an appeal under this subsection or under sub. (11) shall determine whether ~~such the~~ appeal shall be under this subsection or under sub. (11). No party in interest may file an appeal under this subsection if another party in interest in the same lands has filed a prior appeal complying with the requirements of sub. (11). Thereafter the procedure shall be as prescribed in s. 32.08. In cases involving multiple ownership or interests in lands taken the following rules shall also apply:

SECTION 53. 32.06 (7), as affected by chapter 187, laws of 1977, and (9) (a), as affected by chapter 440, laws of 1977, of the statutes are amended to read:

32.06 (7) PETITION FOR CONDEMNATION PROCEEDINGS. If the jurisdictional offer is not accepted within the periods limited in sub. (6) or the owner fails to consummate an acceptance as provided in sub. (6), the condemnor may present a verified petition to the ~~judge of the circuit or county~~ court ~~of for~~ the county in which the property to be taken is located, for proceedings to determine the necessity of taking, where such determination is required, and the amount of just compensation. ~~Such The~~ petition shall state that the jurisdictional offer required by sub. (3) has been made and rejected; that it is the intention of the condemnor in good faith to use the property or right therein for the specified purpose. It shall name the parties having an interest of record in ~~such the~~ property as near as may be and shall name ~~such the~~ parties who are minors or persons of unsound mind or unknown. ~~Such The~~ petition may not disclose the amount of the jurisdictional offer, and if it does so it ~~shall be is~~ a nullity. ~~Such~~

The petition shall be filed with the clerk of ~~such the~~ court. Notice of ~~such the~~ petition shall be given as provided in s. 32.05 (4) to all persons having an interest of record in ~~such the~~ property, including the special guardian appointed for minors or incompetent persons. A lis pendens shall be filed on the date of filing the petition. The date of filing the lis pendens ~~shall be~~ is the "date of evaluation" of the property for the purpose of fixing just compensation, except that if the property is to be used in connection with the construction of a facility, as defined under s. 196.491 (1), the "date of evaluation" ~~shall be~~ is the date that the first advance plan identifying ~~such the~~ property as a site or route under s. 196.491 (2) (a) 3 is filed with the public service commission, or the date which is 2 years prior to the date the certificate of public convenience and necessity is issued for the facility, whichever is earlier. The hearing on the petition may not be earlier than 20 days after the date of its filing unless the petitioner has acquired possession of ~~such the~~ land pursuant to ~~under~~ s. 32.12 (1) in which event this hearing is not necessary. If the petitioner is entitled to condemn the property or any portion thereof of it, the judge immediately shall ~~forthwith~~ assign the matter to the chairman of the county condemnation commissioners for hearing pursuant to ~~under~~ s. 32.08. An order by the judge determining that the petitioner does not have the right to condemn or refusing to assign the matter to the chairman of the county condemnation commissioners may be appealed directly to the court of appeals.

(9) (a) Within 30 days after the date of filing of the commission's award, the condemnor shall petition ~~the judge of the circuit court of~~ for the county wherein the property is situated, upon 5 days' notice by certified mail to the owner, for leave to abandon the petition for taking if the condemnor desires to abandon the proceeding. The circuit court shall grant the petition upon such terms as it deems just, and shall make a formal order discontinuing the proceeding which order shall be recorded in the judgment book of the court after the record of the commission's award. The order shall operate to divest any title of condemnor to the lands involved and to automatically discharge the lis pendens.

SECTION 54. 32.08 (4) and (5) of the statutes are amended to read:

32.08 (4) Commissioners shall receive no salary but shall be compensated for actual service at an hourly rate to be fixed by the county board of ~~such the~~ county. Commissioners shall also receive mileage at ~~7 cents per mile a rate fixed by the county board~~ for necessary and direct round trip travel from their homes to the place where the condemnation commission conducts its hearings. The chairman of the county commission shall receive such reasonable sum, computed at the hourly rate as fixed by the county board, as shall be allowed by the circuit ~~or county~~ judge having jurisdiction over the hearing, for his ~~or her~~ administrative work in selecting and notifying the commissioners to serve in ~~such the~~ condemnation hearing and his ~~or her~~ necessary out-of-pocket expenses in connection ~~therewith~~ with the hearing. All such compensation and expenses shall be paid by the condemnor on order approved by the circuit ~~or county~~ judge ~~as the case may be~~.

(5) If the petitioner under s. 32.06 is entitled to condemn the property or any portion thereof of it or interest therein, the circuit ~~or county~~ judge having jurisdiction of ~~such the~~ petition, or to whom an application for county commissioner of condemnation review is taken from a highway taking award, shall assign the matter to the chairman of the county condemnation commissioners who shall within 7 days select 3 of ~~said the~~ commissioners to serve as a commission to ascertain the compensation to be made for the taking of the property or rights in property sought to be condemned, fix the time and place of the hearing before the commission, which time shall not be less than 20 nor more than 30 days ~~from such~~ after the assignment date, and notify the parties in interest thereof. The judge's order of assignment shall be accompanied by a copy of the petition for condemnation. Notice shall be given to each interested person or, where ~~such the~~ persons have appeared in the proceeding by an attorney then to ~~such the~~ attorney, by certified mail with return receipt requested, postmarked at least 10 days prior to the date of hearing. If any party cannot be found and has not appeared in the proceedings, a class 3 notice shall be published, under ch. 985, in the community which the chairman of the condemnation commission directs. Costs of notification shall be paid by the petitioner upon certification by the commission chairman.

SECTION 55. 32.12 (1) of the statutes is amended to read:

32.12 (1) If any person having the power to acquire property by condemnation ~~has entered~~ enters into the possession of any property and is using the same property for a purpose for which condemnation proceedings might be instituted but has not acquired title ~~thereto to the property~~, or if ~~such the~~ title is defective, or if not in possession, has petitioned the ~~judge of the circuit or county~~ court as provided by s. 32.06 (7) and for an order as ~~herein~~ authorized under this section either at the time of filing the petition for condemnation or thereafter, and the necessity for taking has been determined as authorized by law, such the person may proceed to acquire or perfect such the title as provided in this chapter or be authorized to enter into possession as provided in this section. At any stage of such the proceedings the court in which they are pending ~~or the judge thereof~~ may authorize such the person, if in possession, to continue in possession, and if not in possession to take possession and have and use such the lands during the pendency of such the proceedings and may stay all actions or proceedings against such the person on account thereof on the paying in court of a sufficient sum or the giving of such securities as such the court ~~or judge~~ may direct to pay the compensation therefor when finally ascertained. The "date of taking" in proceedings under this section ~~shall be~~ is the date on which the security required by the order for such security is approved and evidence thereof is filed with the clerk of court. In every such case the party interested in such the property may institute and conduct, at the expense of such the person, the proceedings to a conclusion if such the person delays or omits to prosecute the same.

SECTION 56. 32.26 (3) of the statutes is amended to read:

32.26 (3) The department may make investigations to determine if the condemnor is complying with ss. 32.19 to 32.27. The department may seek an order from the circuit court ~~or county court~~ requiring a condemnor to comply with ss. 32.19 to 32.27 or to discontinue work on that part of the project which is not in substantial compliance with ss. 32.19 to 32.27. The court shall give hearings on such these actions precedence on the court's calendar.

SECTION 57. 34.01 (4) of the statutes, as affected by chapter 320, laws of 1977, is amended to read:

34.01 (4) "Governing board" means the investment board in the case of the state, the housing finance authority if the authority elects to be bound by all or part of ~~ch. 34~~ this chapter under s. 234.32 (2), the county board or committee designated by the county board to designate public depositories in the case of a county, the city council in the case of a city, the village board in the case of a village, the town board in the case of a town, the school board in the case of a school district, the ~~judge or board of judges clerk of court~~ in the case of any court in this state, and any other commission, committee, board or officer of any governmental subdivision of the state not ~~hereinbefore~~ mentioned in this subsection.

SECTION 58. 40.50 (2) (e) of the statutes is amended to read:

40.50 (2) (e) A designation of beneficiary may be signed and filed by a guardian when accompanied by a certified copy of an order of a circuit ~~or county~~ court approving the specific terms thereof.

SECTION 59. 41.02 (14) and (23) of the statutes, as affected by chapters 187 and 273, laws of 1977, 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 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, 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 the employe made under s. 41.07 (2) and if the employe makes all future contributions to the fund 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 60 years if he or she is or was a protective occupation participant; 62 years if he or she 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 65 years otherwise; but after June 30, 1974, normal retirement date for each protective occupation participant means the day on which 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 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 60. 41.05 (6) (n), as affected by chapter 305, laws of 1977, and (s) of the statutes are repealed.

SECTION 61. 41.07 (1) (a) 6 of the statutes, as affected by chapter 305, laws of 1977, is repealed.

SECTION 62. 41.07 (2) (a) 3 and (am) 2 of the statutes, as affected by chapter 187, laws of 1977, are amended to read:

41.07 (2) (a) 3. For each supreme court justice, circuit judge, ~~county judge~~, member of the state legislature and state constitutional officer, 5% of ~~such the~~ earnings which are subject to contributions under the federal OASDHI system, plus 7% of ~~such the~~ earnings in excess of the amount subject to ~~such the~~ contributions.

(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 the earnings.

SECTION 63. 41.07 (3) of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 64. 41.09 (9) of the statutes, as affected by chapter 305, laws of 1977, is amended to read:

41.09 (9) The creditable service of every supreme court justice and circuit ~~or county~~ judge shall include all periods of service as a supreme court justice, circuit judge or county judge, or as full-time judge of a court of record or municipal court, or as a member of the legislature, or as a state constitutional officer elected by vote of the people, but excluding any such period of service for which credit has been granted under any other public retirement system in this state except as provided in s. 41.05 (6) (n), 1975 Wis. stats. The creditable service of each circuit judge ~~and county judge~~ who has received any supplemental salary under s. ~~753.071 252.071~~ or ~~754.07 253.07~~ (2), 1975 Wis. stats., shall also include, for the county which paid the salary, a period equal to the total period of service as a circuit judge or county judge in the county.

SECTION 65. 41.10 (1) (intro.) of the statutes is amended to read:

41.10 (1) (intro.) ~~Except as provided in sub. (8), each~~ Each participating employer shall make contributions to the fund as follows:

SECTION 66. 41.10 (8) of the statutes, as affected by chapters 187 and 305, laws of 1977, is repealed.

SECTION 67. 41.11 (3) of the statutes is repealed.

SECTION 68. 41.11 (6) (d) 3. b of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

41.11 (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 69. 41.21 (1) (b) of the statutes is amended to read:

41.21 (1) (b) Authorized and directed to pay to the board concurrently with each remittance of employe contributions deducted from earnings, the corresponding employer contribution out of the general fund or any special fund from which the earnings were paid, ~~except as provided in s. 41.10 (8)~~.

SECTION 70. 45.12 (1) of the statutes is repealed and recreated to read:

45.12 (1) There is created in each county a "County Veteran's Service Commission" consisting of 3 residents of the county who are veterans appointed for staggered 3-year terms by the county executive or county board chairman in a county which does not have a county executive.

SECTION 71. 45.12 (2) of the statutes is amended to read:

45.12 (2) ~~Such~~ The commission shall be organized by the election of one of their number as ~~chairman chairperson~~. ~~Said judge~~ The county executive or county board chairperson in a county which does not have a county executive after the expiration of the terms of those first appointed shall annually on or before the 2nd Monday in December appoint one person as a member of ~~such the~~ commission for the term of 3 years. ~~He~~ The county executive or county board chairperson shall require each member of the commission and the county veterans' service officer to execute to the county an individual surety bond, with sufficient sureties to be approved by the county ~~judge executive or county board chairperson~~, each ~~such~~ bond to be in an amount equal to the tax levied in the current year for expenditure by the commission. Each ~~such~~ bond shall be filed with the county clerk.

SECTION 72. 45.12 (3) of the statutes is repealed.

SECTION 73. 46.03 (7) (a) of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

46.03 (7) (a) Promote the enforcement of laws for the protection of developmentally disabled children, delinquent children, children in need of protection or services and children born out of wedlock; and to this end cooperate with ~~juvenile~~ courts assigned to exercise jurisdiction under ch. 48 and licensed child welfare agencies and institutions (public and private) and take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made.

SECTION 74. 46.041 (1) (a) of the statutes is amended to read:

46.041 (1) (a) Provide for the temporary residence and evaluation of children referred from ~~juvenile~~ courts assigned to exercise jurisdiction under ch. 48, the institutions and services under the jurisdiction of the department, ~~Wisconsin general hospital university of Wisconsin hospital and clinics~~, county child welfare agencies, private child welfare agencies, schools for the deaf and visually handicapped, and mental health facilities within the state at the discretion of the superintendent.

SECTION 75. 46.10 (5) of the statutes is amended to read:

46.10 (5) Upon such application the ~~county circuit~~ court shall hear the allegations and proofs of the parties and shall by order require payment of maintenance by the relative liable therefor, if of sufficient ability, having due regard to the present needs of ~~himself the relative~~ and his or her lawful dependents. The order shall specify an

amount for maintenance to be paid periodically during a specified period or until the further order of the court. Notice of hearing on the application shall be served upon such relative at least 10 days prior to the hearing in the manner of service of a summons in ~~the circuit that~~ court. Upon application of any interested party, and upon like notice and procedure, the ~~county~~ court may modify ~~such the~~ order. Any party aggrieved by ~~such the~~ order or by the judgment of the court may appeal therefrom in the manner provided by law. If an appeal is taken by the department, an undertaking need not be filed.

SECTION 76. 46.206 (3) of the statutes, as affected by chapter 271, laws of 1977, is amended to read:

46.206 (3) The use of the words "county agency" in any statute relating to social services or aid to families with dependent children means the county department of public welfare or social services as created by s. 46.22 (1) or 49.51 (2) (a) ~~or 46.22 (4)~~. Nothing in this subsection shall deprive the juvenile court assigned to exercise jurisdiction under ch. 48 of any authority it otherwise has under the law.

SECTION 77. 46.21 (2) (a) of the statutes, as affected by chapter 271, laws of 1977, is amended to read:

46.21 (2) (a) Such board shall be charged with supervising the operation, maintenance and improvement in each county by the director of institutions and departments, of the county hospital, dispensary-emergency unit of ~~said the~~ hospital, guidance clinic, infirmary, home for children, the detention home, and the probation section of the children's court center, and the provision and maintenance of the physical facilities for ~~such that~~ court and its intake section under the supervision and operation of the ~~children's court~~ judges assigned to exercise jurisdiction under ch. 48 ~~and~~ as provided in s. 48.06 (1), mental health center, north division and south division, tuberculosis hospital, department of public welfare or social services created by s. 49.51 (2) (a), county agent's department, farm, service departments and such other institutions and departments as are placed under the jurisdiction of the board of public welfare by the county board of supervisors, and all buildings and land used in connection with any or all such institutions. A diagnostic and treatment center may be designated as part of the county mental health center, north division, and all personnel fully attached to ~~said that~~ facility shall be under the jurisdiction of the superintendent or medical director of the county mental health center, north division. The powers and duties of the board ~~shall be~~ are advisory and policy forming only, and not administrative or executive. ~~Such The board shall be~~ is without authority to adopt policy changes that would increase expenditures beyond budget limitations for the fiscal year, as fixed by the county board of supervisors. Proposed policy changes shall, in all instances, be presented to the director and the finance committee of the county board at the time the department's budget for the ensuing year is being considered.

SECTION 78. 46.22 (1) and (5) (d) and (g) 3 of the statutes are amended to read:

46.22 (1) CREATION. Every county having a population of less than 500,000 may by a vote of its county board of supervisors elect to be under s. 46.21. In every county having a population of less than 500,000 that has not elected to be under s. 46.21, there is created a county department of public welfare. Such This county department shall consist of a county board of public welfare, a county director of public welfare, and necessary personnel. ~~The county board may at any time authorize the county judge to administer child welfare services as provided in sub. (5) (g). All rules relating to personnel under his administration on said date shall continue in effect until the county board acts to place the administration of these aids in a department other than under the county judge or until the department changes such rules pursuant to s. 49.50 (2).~~

(5) (d) Perform the duties and functions prescribed in s. 48.08 when requested to do so by the juvenile judge of the county assigned to exercise jurisdiction under ch. 48.

(g) 3. Upon the request of the judge ~~of the juvenile court assigned to exercise jurisdiction under ch. 48,~~ the county agency shall investigate the home environment and other factors in the life of any child brought to the attention of the court for alleged dependency, neglect, or delinquency, and to assume guidance and supervision of any child placed on probation by ~~such that~~ court.

SECTION 79. 46.22 (4) (k) of the statutes is created to read:

46.22 (4) (k) To administer admissions to the university of Wisconsin hospital and clinics under ch. 142.

SECTION 80. 48.02 (2m) and (10) of the statutes, as affected by chapter 354, laws of 1977, are amended to read:

48.02 (2m) "Court", when used without further qualification, means the ~~juvenile court assigned to exercise jurisdiction under this chapter.~~

(10) "Judge", if used without further qualification, means the judge of the ~~juvenile court assigned to exercise jurisdiction under this chapter.~~

SECTION 81. 48.03 (title) of the statutes is amended to read:

48.03 (title) Time and place of court; absence or disability of judge; court of record.

SECTION 82. 48.03 (1) of the statutes is repealed.

SECTION 83. 48.03 (2) and (3) of the statutes, as affected by chapters 187 and 273, laws of 1977, are renumbered 48.03 (1) and (2) and amended to read:

48.03 (1) The judge of a court ~~designated as a juvenile court under sub. (1) assigned to exercise jurisdiction under this chapter~~ shall set apart a time and place to hold ~~juvenile court on juvenile matters.~~

(2) In the case of the absence or disability of the judge of a court ~~designated as a juvenile court assigned to exercise jurisdiction under this chapter,~~ another judge shall be ~~designated assigned~~ under s. 751.03 to act temporarily in the judge's place. If the judge ~~so designated assigned~~ temporarily is from a ~~county circuit~~ other than the one for which elected, the judge shall receive expenses as provided in ~~s. 753.073 or 754.08, whichever applies under s. 753.073.~~

SECTION 84. 48.03 (4) of the statutes is repealed.

SECTION 85. 48.035 of the statutes is amended to read:

48.035 (title) Court; Menominee and Shawano counties. Menominee county ~~shall be is~~ attached to Shawano county for judicial purposes to the extent of the jurisdiction and functions of the ~~juvenile court assigned to exercise jurisdiction under this chapter~~ and the office and functions of the judge of ~~juvenile court,~~ and the duly designated judge of ~~juvenile the court assigned to exercise jurisdiction under this chapter~~ of ~~Shawano county the circuit court for Menominee and Shawano counties~~ shall serve in ~~Menominee county with all the duties, rights and powers of judge of juvenile court therein, and no judge of juvenile court shall be designated for Menominee county, the county not being organized for that purpose both counties.~~ The county boards of Menominee county and Shawano county shall enter into an agreement on administration of this section and the prorating of ~~expenditure expenditures~~ involved, and for such purposes the county board of supervisors of Menominee county ~~shall be authorized to may~~ appropriate, levy and collect a sum each year sufficient to pay its share of ~~such the~~ expenses. If the 2 county boards are unable to agree on the prorating of expenditure involved, then the ~~judge of the circuit court judges~~ for the ~~Tenth circuit court for Menominee and Shawano counties~~ shall, upon appropriate notice and hearing, determine the prorating of ~~such the~~ expenditures on the basis of a fair allocation to each county under such procedure as ~~he shall they~~ prescribe. ~~If the circuit judges are unable to agree, the chief judge of the judicial administrative district shall make the determination.~~

SECTION 86. 48.04 (title) of the statutes is amended to read:

48.04 (title) Employes of court.

SECTION 87. 48.04 (1) of the statutes is repealed.

SECTION 88. 48.04 (2) of the statutes, as affected by chapter 354, laws of 1977, is renumbered 48.04 (1) and amended to read:

48.04 (1) If the county contains one or more cities of the 2nd or 3rd class, the ~~judge circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district,~~ may appoint, by an instrument in writing, filed with the county clerk, a clerk of ~~the juvenile court for juvenile matters~~ and such deputies as may be needed, who shall perform the duties of clerk and reporter of ~~such the~~ court as directed by the ~~judge judges~~. The clerk and deputies shall take and file the official oath and shall receive such salary as the county board determines.

SECTION 89. 48.06 (1) (a) and (b) of the statutes, as affected by chapters 271 and 354, laws of 1977, is amended to read:

48.06 (1) (a) 1. In counties having a population of 500,000 or more, the county board of supervisors shall provide the court with the services necessary for investigating and supervising cases by operating a children's court center under the supervision of a director who shall be appointed as provided in s. 46.21 (4) under the laws governing civil service in the county. The director ~~shall be~~ is the chief administrative officer of the center and of the intake and probation sections and secure detention facilities of the center except as otherwise provided in this subsection, ~~and as the officer shall be.~~ The director is charged with administration of the personnel and services of the sections and of the secure detention facilities, and ~~be is~~ is responsible for supervising both the operation of the physical plant and the maintenance and improvement of the buildings and grounds of the center. The center shall include investigative services for all children alleged to be in need of protection or services to be provided by the county department of social services, and the services of an assistant district attorney or assistant corporation counsel or both, who shall be assigned to the center to provide investigative as well as legal work in the cases.

2. The chief judge of the ~~county board of judges~~ judicial administrative district shall formulate written judicial policy governing intake and ~~juvenile court services for juvenile matters~~ and the director shall be charged with executing the judicial policy. The chief judge or a designee shall direct and supervise the work of all personnel of the court, except the work of the district attorney or corporation counsel assigned ~~thereto~~ to the court.

3. The county board of social services shall develop policies and establish necessary rules and regulations for the management and administration of the nonjudicial operations of the children's court center, but any such policy, rule or regulation ~~shall be~~ is subject to adoption of a different policy, rule or regulation by the county board of supervisors by a majority of the members ~~thereof~~ present and voting, ~~and the.~~ The director thereof of the center shall report and ~~be is~~ is responsible to the director of institutions and departments for the execution of all nonjudicial operational policies, rules and regulations governing the center, including activities of probation officers whenever they are not performing services for the court. The director of the center ~~shall is~~ is also ~~be~~ responsible for the preparation and submission to the county board of social services of the annual budget for the center except for the judicial functions or responsibilities which are delegated by law to the judge or judges and clerk of circuit court. The board shall make provision in the organization of the office of director for the devolution of the director's authority in the case of temporary absence, illness, disability to act or a vacancy in position and shall establish the general qualifications for the position. The board ~~shall have also has~~ has the ~~further~~ authority to investigate, arbitrate and resolve any conflict in the administration of the center as between judicial and nonjudicial operational policy, rules and regulations, except that the final disposition ~~thereof shall be of such conflicts is~~ is subject to the approval of the county board of supervisors by a majority of the members ~~thereof~~ present and voting, ~~but shall.~~ The county board of social services does not have authority or and may not assert jurisdiction over the disposition of any case or child after a written order is made under s. 48.21 or if a petition is filed under s. 48.25. All personnel of the intake

and probation sections and of the secure detention facilities, shall be appointed under civil service by the director except that existing court service personnel having permanent civil service status may be reassigned to any of the respective sections within the center specified in this paragraph.

(b) Notwithstanding par. (a), the county board of supervisors may institute changes in the administration of services to the children's court center in order to qualify for the maximum amount of federal and state aid as provided in sub. (4) and s. 49.52.

SECTION 90. 48.06 (2) of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

48.06 (2) COUNTIES WITH A POPULATION UNDER 500,000. In counties having less than 500,000 population, the county board of supervisors shall authorize the county social services department or court or both to provide intake services required by s. 48.067 and agency staff needed to carry out the objectives and provisions of this chapter under s. 48.069. All intake workers beginning employment after the effective date of ~~this act (1977)~~ November 18, 1978, shall have those qualifications as are required of persons having comparable responsibilities under the county merit system. All such workers shall be governed in their intake work, including their responsibilities for recommending the filing of a petition and entering into an informal disposition, by general written policies which shall be formulated by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

SECTION 91. 48.065 (1), (2) (intro.) and (h) and (4) of the statutes, as created by chapter 354, laws of 1977, are amended to read:

48.065 (1) The board of supervisors of any county may authorize the chief judge of the judicial administrative district to appoint one or more part-time or full-time juvenile court commissioners who shall serve at the discretion of the chief judge. A juvenile court commissioner shall be licensed to practice law in this state and shall have been so licensed for at least 2 years immediately prior to appointment and shall have a demonstrated interest in the welfare of children. Law clerks, bailiffs and deputies shall be assigned to the court commissioner at the discretion of the chief judge.

(2) (intro.) ~~A~~ Under this chapter a juvenile court commissioner, if authorized to do so by a judge assigned to exercise jurisdiction under this chapter, may, ~~under this chapter~~:

(h) Perform such other duties, not in conflict with this chapter, as the judge assigned to exercise jurisdiction under this chapter may direct.

(4) When acting officially, the juvenile court commissioner shall sit at the courthouse or the usual ~~juvenile~~ court facility for juvenile matters. Any decision of the juvenile court commissioner shall be reviewed by the judge assigned to exercise jurisdiction under this chapter upon the request of any interested party.

SECTION 92. 48.067 (6) and (9) of the statutes, as created by chapter 354, laws of 1977, are amended to read:

48.067 (6) Receive referral information, conduct intake inquiries, make recommendations as to whether a petition should be filed, and enter into informal dispositions under such policies as the ~~court~~ chief judge of the judicial administrative district promulgates under s. 48.06 (1) or (2);

(9) Perform any other functions ordered by the court, and assist the court or chief judge of the judicial administrative district in developing written policies or carrying out its other duties when the court or chief judge so requests.

SECTION 93. 48.11 (2) of the statutes is amended to read:

48.11 (2) Nothing in this section shall be construed to require the ~~juvenile~~ court to open court records or to disclose their contents.

SECTION 94. 48.14 (intro.) of the statutes is amended to read:

48.14 Jurisdiction over other matters relating to children. (intro.) The juvenile court shall have has exclusive jurisdiction over:

SECTION 95. 48.15 of the statutes is amended to read:

48.15 Jurisdiction of other courts to determine legal custody. Nothing contained in ss. 48.12, 48.13 and 48.14 shall deprive other courts of the right to determine the legal custody of children upon writs of habeas corpus, or to determine the legal custody or guardianship of children ~~when such~~ if the legal custody or guardianship is incidental to the determination of causes pending in ~~such~~ the other courts. But the jurisdiction of the juvenile court ~~shall be assigned to exercise jurisdiction under this chapter is~~ paramount in all cases involving children alleged to come within the provisions of ss. 48.12, 48.13 and 48.14.

SECTION 96. 48.17 (2) of the statutes, as created by chapter 354, laws of 1977, is amended to read:

48.17 (2) CIVIL LAW AND ORDINANCE VIOLATIONS. Courts of civil jurisdiction ~~shall~~ have concurrent jurisdiction with the juvenile court assigned to exercise jurisdiction under this chapter in proceedings against children aged 16 or older for violations of law punishable by forfeiture or violations of county, town or other municipal ordinances. The citation procedures described in ss. 23.50 to 23.85 and 66.119, respectively, may be used in such cases where applicable to adults charged with the same offense. If a citation is issued to a child, the issuing agency shall within 7 days notify the child's parent or guardian. If a court of civil jurisdiction finds that the child violated a law punishable by forfeiture or violated a municipal ordinance, it may enter any of the dispositional orders permitted under s. 48.343 (1), (2) or (5). If a child fails to pay the forfeiture imposed by the court of civil jurisdiction, the court shall not impose a jail sentence but may suspend any license issued under ch. 29 for not less than 30 nor more than 90 days, or suspend the child's operating privilege, as defined in s. 340.01 (40), for not less than 30 nor more than 90 days. If a court of civil jurisdiction suspends a license under this section, it shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the department, which shall thereupon return the license to the person.

SECTION 97. 48.18 (title), (5) (d) and (6) of the statutes, as affected by chapter 354, laws of 1977, are amended to read:

48.18 (title) Jurisdiction for criminal proceedings for children 16 or over; waiver hearing. (5) (d) The desirability of trial and disposition of the entire offense in one court if the juvenile was allegedly associated in the offense with persons who will be charged with a crime in a circuit court of criminal jurisdiction.

(6) After considering the criteria under sub. (5) ~~(a) to (d)~~, the judge shall state ~~its~~ his or her finding with respect to the criteria on the record, and, if ~~it~~ the judge determines on the record that it is established by clear and convincing evidence that it would be contrary to the best interests of the child or of the public to hear the case, the judge shall enter an order waiving ~~its~~ jurisdiction and referring the matter to the district attorney for appropriate criminal proceedings in the criminal circuit court, and the ~~criminal courts shall thereafter have~~ circuit court thereafter has exclusive jurisdiction.

SECTION 98. 48.19 (1) (b) of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

48.19 (1) (b) A capias issued by a judge of the juvenile court assigned to exercise jurisdiction under this chapter in accordance with s. 48.28;

SECTION 99. 48.20 (7) and (8) of the statutes, as affected by chapter 354, laws of 1977, are amended to read:

48.20 (7) When a child is interviewed by an intake worker the intake worker shall inform the child of his or her right to counsel and, in the case of a child possibly involved in a delinquent act, the right against self-incrimination. The intake worker shall review the need to hold the child in custody and shall make every effort to release the child from custody under s. 48.205 and criteria promulgated ~~by the court~~ under s. 48.06 (1) or (2). If the child is released from custody, the intake worker shall immediately notify the child's parent, guardian and legal custodian of the time and circumstances of the release and the person, if any, to whom the child was released. If a child is taken into custody, the intake worker may release the child to a parent, guardian or legal custodian, or, if the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision for the child, release the child to a responsible adult; or, if a child is 15 years of age or older, release the child without immediate adult supervision.

(8) The intake worker shall base his or her decision to hold a child in custody on the criteria specified in s. 48.205 and criteria promulgated ~~by the court~~ under s. 48.06 (1) or (2). If a child is held in custody, the intake worker shall notify the child's parent, guardian or legal custodian of the reasons for holding the child in custody and of the child's whereabouts unless there is reason to believe that notice would present imminent danger to the child. The parent, guardian or legal custodian shall also be notified of the time and place of the detention hearing required under s. 48.21, the nature and possible consequences of that hearing, the right to counsel under s. 48.23 regardless of ability to pay, and the right to present and cross-examine witnesses at the hearing. If the parent, guardian or legal custodian is not immediately available, notice shall be given as soon as possible.

SECTION 100. 48.22 (1) and (3) of the statutes, as affected by chapter 354, laws of 1977, are amended to read:

48.22 (1) (a) The county board of one county may establish a secure detention facility or a shelter care facility or both or 2 or more counties may join together and establish a secure detention facility or a shelter care facility or both in accordance with ss. 46.16 and 46.20.

(b) In counties having a population of less than 500,000, the policies of the secure detention facility or shelter care facility shall be determined by the judge of the juvenile court assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district or, in the case of a secure detention facility or shelter care facility established by 2 or more counties, by a committee of the judges of the juvenile courts in the participating counties assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district.

(c) In counties having a population of 500,000 or more, the nonjudicial operational policies of the secure detention facility and the detention section of the children's court center shall be established by the county board of public welfare as specified in s. 48.06 (1), and the execution thereof shall be the responsibility of the director of the children's court center.

(3) (a) In counties having a population of less than 500,000, public secure detention facilities and public shelter care facilities shall be in the charge of a superintendent. The judge of the court assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district or, where 2 or more counties operate joint public secure detention facilities or public shelter care facilities, the committee of judges of the courts assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district shall appoint the superintendent and other necessary personnel for the care and education of the children in secure detention or shelter care facilities, subject to civil service regulations in counties having civil service.

(b) In counties having a population of 500,000 or more, the director of the children's court center under the direction of the county board of public welfare as specified in s. 48.06 (1) shall be in charge of and responsible for public secure

detention facilities, the secure detention section of the center and the personnel assigned to this section, including a detention supervisor or superintendent. The director of the children's court center may also serve as superintendent of detention if the county board of supervisors so determines.

SECTION 101. 48.23 (1) (c) of the statutes, as created by chapter 354, laws of 1977, is amended to read:

48.23 (1) (c) Any child subject to the jurisdiction of the ~~juvenile~~ court assigned to exercise jurisdiction under this chapter under s. 48.14 (5) shall be represented by counsel. No waiver of counsel may be accepted by the court.

SECTION 102. 48.275 of the statutes, as affected by chapters 29 and 354, laws of 1977, is amended to read:

48.275 (title) Parents contribution to cost of court services. If the ~~juvenile~~ court finds a child to be delinquent under s. 48.12, in violation of a civil law or ordinance under s. 48.125 or in need of protection or services under s. 48.13, the court shall order the parents of the child to contribute toward the expense of post-adjudication services to the child the proportion of the total amount which the court finds the parents are able to pay.

SECTION 103. 48.35 (1) (c) of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

48.35 (1) (c) Disposition by the ~~juvenile~~ court assigned to exercise jurisdiction under this chapter of any allegation under s. 48.12 shall bar any future proceeding on the same matter in criminal court when the child reaches the age of 18. This paragraph does not affect proceedings in criminal court which have been transferred under s. 48.18.

SECTION 103m. 48.35 (2) of the statutes, as affected by chapter 354, laws of 1977, is repealed and recreated to read:

48.35 (2) Except as specifically provided in sub. (1), this section does not preclude the court from disclosing information to qualified persons if the court considers the disclosure to be in the best interests of the child or of the administration of justice.

SECTION 104. 48.37 of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

48.37 Costs. No costs may be assessed against any child in ~~juvenile~~ a court assigned to exercise jurisdiction under this chapter.

SECTION 105. 48.373 of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

48.373 Medical authorization. The ~~juvenile~~ court may authorize medical services including surgical procedures when needed if the court determines that reasonable cause exists for ~~such~~ the services and that the minor is within the jurisdiction of the court and consents.

SECTION 106. 48.39 of the statutes is amended to read:

48.39 (title) Disposition by court bars criminal proceeding. Disposition by the ~~juvenile~~ court of any violation of state law coming within its jurisdiction under s. 48.12 ~~shall bar~~ bars any future criminal proceeding on the same matter in ~~criminal circuit~~ court when the child reaches the age of 18. This ~~provision~~ section does not affect criminal proceedings in ~~criminal circuit~~ court which ~~have been~~ were transferred under s. 48.18.

SECTION 107. 48.396 (2) of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

48.396 (2) Juvenile Records of the court ~~records~~ assigned to exercise jurisdiction under this chapter shall be entered in books or deposited in files kept for that purpose only. They shall not be open to inspection or their contents disclosed except by order of the court.

SECTION 108. 48.397 (1) (a) of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

48.397 (1) (a) If legal custody is taken from the parents and disposition is made under s. 48.34, ~~or~~ 48.35, the duty of the parents to provide for support ~~shall continue~~ continues even though the legal custodian may provide ~~such the~~ support, and upon a parent's failure to make payment for ~~such the~~ support, the department may apply to the juvenile court for an order to compel payment; but if the parents are unable to provide ~~such the~~ support, the financial resources of the child may be used ~~therefor~~.

SECTION 109. 48.40 (3) (intro.) of the statutes is amended to read:

48.40 (3) (intro.) If the parents ~~have been~~ are found mentally deficient or mentally ill by a court of competent jurisdiction in a proceeding other than the instant termination of a parental rights proceeding and the juvenile court assigned to exercise jurisdiction under this chapter finds:

SECTION 110. 48.41 of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

48.41 Jurisdiction and venue for termination of parental rights. The juvenile court has jurisdiction to terminate parental rights if the minor is within the state or as otherwise allowed under s. 822.03. If a court has made an order under s. 48.34 or 48.355 transferring legal custody of the minor, that court shall hear the termination of parental rights proceeding unless it transfers the proceeding along with all appropriate records to the county where the minor or parents are. Otherwise venue for the proceeding is in the county either where the minor is or where the parents whose rights are being terminated are.

SECTION 111. 48.45 (2) and (3) of the statutes are amended to read:

48.45 (2) No order to any person 18 or older ~~pursuant to~~ under sub. (1) ~~shall~~ may be entered until ~~he has been~~ the person is given an opportunity to be heard upon the allegation against him ~~or her~~ and the contemplated order of the court. The court shall cause notice of the time, place and purpose of ~~such the~~ hearing to be served on ~~such the~~ person personally at least 10 days before the date of hearing. The procedure in ~~such these~~ cases shall, as far as practicable, be the same as in other cases in the juvenile court, and shall otherwise be the procedure followed in courts of equity. Any person 18 or older who fails to comply with any order issued by a juvenile court ~~pursuant to~~ under this section may be proceeded against for contempt of court, ~~and if his~~. If the person's conduct involves a crime, ~~he~~ the person may be proceeded against under the criminal law.

(3) If it appears at a juvenile court hearing that any person 18 or older has violated s. 947.15, the judge shall refer the record to the district attorney for ~~such~~ criminal proceedings as may be warranted in the district attorney's judgment. This subsection does not prevent prosecution of violations of s. 947.15 without ~~such the~~ prior reference by the judge to the district attorney, as in other criminal cases.

SECTION 112. 48.46 of the statutes is amended to read:

48.46 New evidence. A parent, guardian, legal custodian or next friend of any child whose status ~~has been~~ is adjudicated by the juvenile court may at any time within one year ~~of~~ after the entering of the court's order petition the court for a rehearing on the ground that new evidence has been discovered affecting the advisability of the court's original adjudication or disposition. Upon a showing that such evidence does exist, the court shall order a new hearing and make ~~such a~~ disposition of the case as the facts and the best interests of the child warrant.

SECTION 113. 48.47 (1) of the statutes, as affected by chapters 187 and 354, laws of 1977, and the supreme court order dated May 1, 1978, effective July 1, 1978, is amended to read:

48.47 (1) Any person aggrieved by an adjudication of the juvenile court under this chapter and directly affected thereby has the right to appeal to the court of appeals in accordance with Rule s. 809.40. Appeal from an order granting or denying an adoption under s. 48.91 and from any county circuit court review under s. 48.64 (4) (c) shall be to the court of appeals.

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CHAPTER 449

SECTION 114. 48.48 (1) of the statutes, as affected by chapters 83 and 354, laws of 1977, is amended to read:

48.48 (1) To promote the enforcement of the laws relating to delinquent children, children born out of wedlock and children in need of protection or services including developmentally disabled children and to take the initiative in all matters involving the interests of such children where adequate provision therefor is not made. This duty shall be discharged in cooperation with the ~~juvenile~~ courts, county agencies, licensed child welfare agencies and with parents and other individuals interested in the welfare of children.

SECTION 115. 48.48 (3) of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

48.48 (3) To accept legal custody of children transferred to it by the ~~juvenile~~ court under s. 48.355 and guardianship of children when appointed by the ~~juvenile~~ court, and to provide special treatment and care when directed by the ~~juvenile~~ court.

SECTION 116. 48.48 (7) of the statutes is amended to read:

48.48 (7) To accept guardianship of children when appointed by the ~~juvenile~~ court;

SECTION 117. 48.49 (title) and (1) of the statutes are amended to read:

48.49 (title) Notification by court of transfer to department; information for department. (1) When the ~~juvenile~~ court transfers legal custody of a child to the department, the court shall immediately notify the department of ~~such that~~ action. The court shall, in accordance with procedures established by the department, provide transportation for the child to a receiving center designated by the department or deliver the child to personnel of the department.

SECTION 118. 48.54 (1) of the statutes is renumbered 48.54 and amended to read:

48.54 Records. The department shall keep a complete record on each child in its legal custody. This record shall include the information received from the ~~juvenile~~ court, the date of reception, all available data on the personal and family history of the child, the results of all tests and examinations given the child, and a complete history of all placements of the child while in the legal custody of the department.

SECTION 119. 48.57 (1) (a), (b), (e), (f) and (hm) of the statutes, as affected by chapters 83, 271 and 354, laws of 1977, are amended to read:

48.57 (1) (a) To investigate the conditions surrounding delinquent children, children born out of wedlock and children in need of protection or services including developmentally disabled children within the county and to take every reasonable action within its power to secure for them the full benefit of all laws enacted for their benefit. Unless provided by another agency, county agencies shall offer social services to the caretaker of any child who is referred to the agencies as coming within the conditions specified in this paragraph. This duty shall be discharged in cooperation with the ~~juvenile~~ court and with the public officers or boards legally responsible for the administration and enforcement of these laws;

(b) To accept legal custody of children transferred to it by the ~~juvenile~~ court under s. 48.355 and to provide special treatment and care if ordered by the ~~juvenile~~ court;

(e) If a county department of social services in a county with a population of 500,000 or more, to place children in a county children's home in the county ~~pursuant to~~ under rules adopted by the board of public welfare of ~~such the~~ county, to accept guardianship of children when appointed by the ~~juvenile~~ court, and to place children under its guardianship for adoption;

(f) To provide services to the ~~juvenile~~ court under s. 48.06;

(hm) If licensed by the department to do so, to accept guardianship of children when appointed by the ~~juvenile~~ court, and to place children under its guardianship for adoption;

SECTION 120. 48.58 (1) (a) of the statutes is amended to read:

48.58 (1) (a) Accept legal custody of dependent or neglected children transferred to it by the ~~children's~~ court;

SECTION 121. 48.59 (1) of the statutes is amended to read:

48.59 (1) The county agency shall investigate the personal and family history and environment of any child transferred to its legal custody and make any physical or mental examinations of the child considered necessary to determine the type of care necessary for the child. The county agency shall keep a complete record of the information received from the ~~juvenile~~ court, the date of reception, all available data on the personal and family history of the child, the results of all tests and examinations given the child, and a complete history of all placements of the child while in the legal custody of the county agency.

SECTION 122. 48.61 (1), as affected by chapter 354, laws of 1977, (5) and (6) of the statutes are amended to read:

48.61 (1) To accept legal custody of children transferred to it by the ~~juvenile~~ court under s. 48.355;

(5) If licensed to do so, to accept guardianship of children when appointed by the ~~juvenile~~ court, and to place children under its guardianship for adoption;

(6) To provide services to the ~~juvenile~~ court under s. 48.07;

SECTION 123. 48.63 (2) of the statutes is amended to read:

48.63 (2) No parent or guardian, except a licensed child welfare agency or public agency authorized to place children for adoption, may place a child in a foster home for adoption without obtaining the written approval of the ~~county circuit~~ court prior to placement, and no person shall receive a child into his or her home for adoption without ~~such the~~ prior written approval for placement having been received from the ~~county~~ court. Every person appointed to furnish services to the court under ss. 48.06 and 48.07 is eligible to petition the ~~county circuit~~ court for approval of a foster home for placement of a child. The ~~circuit~~ court shall, before taking action to approve or disapprove, have an investigation of the facts and a report made by the department, a county agency performing child welfare services under s. 48.56, or a child welfare agency licensed to place children in foster homes. ~~Such~~ The report on the investigation for placement shall be filed with the ~~county circuit~~ court within 30 days after entry of the ~~circuit~~ court's order for ~~such the~~ investigation unless the time ~~therefor~~ is extended by the ~~circuit~~ court for good cause shown. If the ~~circuit~~ court does not approve, it shall refer the matter to the ~~juvenile~~ court assigned to exercise jurisdiction under this chapter for appropriate action.

SECTION 124. 48.64 (4) (c) of the statutes, as affected by chapter 418, laws of 1977, is amended to read:

48.64 (4) (c) The ~~county circuit~~ court ~~of for~~ the county where the child is ~~shall have has~~ jurisdiction upon petition of any interested party over a child who ~~has been is~~ placed in a foster home or group home. The ~~circuit~~ court may call a hearing, at which the head of the home and the supervising agency under sub. (2) shall be present, for the purpose of reviewing any decision or order of said agency involving the placement and care of the child. The court shall determine the case so as to promote the best interests of the child.

SECTION 125. 48.84 (2) (b) of the statutes is amended to read:

48.84 (2) (b) The consent of the minor required by sub. (1) (b) shall be given in writing before the ~~county judge, unless the circuit court orders unless~~ otherwise ordered.

SECTION 126. 48.95 of the statutes, as affected by chapter 271, laws of 1977, is amended to read:

48.95 Withdrawal or denial of petition. If the petition is withdrawn or denied, the ~~circuit~~ court shall order the case transferred to the ~~juvenile~~ court assigned to exercise

jurisdiction under this chapter for appropriate action, except that if parental rights have been terminated and the guardian of the minor is the department, a licensed child welfare agency, a county department of social services in counties having a population of 500,000 or more, a county department of public welfare or a county children's board licensed for such purpose by the department, the minor shall remain in the legal custody of that department or agency.

SECTION 127. 48.992 (2) of the statutes is amended to read:

48.992 (2) (a) The "appropriate court" of this state to issue a requisition under Article IV of the compact is the ~~juvenile court of~~ assigned to exercise jurisdiction under this chapter for the county of the petitioner's residence, or, if the petitioner is a child welfare agency, the ~~juvenile court of~~ so assigned for the county where ~~it~~ the agency has its principal office, or, if the petitioner is the department, any ~~juvenile court so assigned~~ in the state.

(b) The "appropriate court" of this state to receive a requisition under Article IV or V of the compact is the ~~juvenile court of~~ assigned to exercise jurisdiction under this chapter for the county where the juvenile is located.

SECTION 128. 48.993 (2) of the statutes is amended to read:

48.993 (2) The compact administrator shall determine for this state whether to receive juvenile probationers and parolees of other states ~~pursuant to~~ under Article VII of the interstate compact on juveniles and shall arrange for the supervision of each such probationer or parolee ~~so~~ received, either by the department or by a person appointed to perform supervision service for the ~~juvenile court of~~ assigned to exercise jurisdiction under this chapter for the county where the juvenile is to reside, whichever is more convenient. Such persons shall in all such cases make periodic reports to the compact administrator regarding the conduct and progress of ~~such~~ the juveniles.

SECTION 129. 48.995 (2) and (3) of the statutes are amended to read:

48.995 (2) In the case of an escapee or absconder under Article V or Article VI, if the juvenile is in the legal custody of the department, it shall bear the expense of his or her return; otherwise the appropriate court shall, on petition of the person entitled to ~~his~~ the juvenile's custody or charged with his or her supervision, arrange for the transportation at the expense of the county and order that the county reimburse the person, if any, who returns the juvenile, for ~~his~~ the person's actual and necessary expenses. In this subsection "appropriate court" means the ~~juvenile~~ court which adjudged the juvenile to be delinquent or, if the juvenile is under supervision for another state under Article VII of the compact, then the ~~juvenile court of~~ assigned to exercise jurisdiction under this chapter for the county of the juvenile's residence during such supervision.

(3) In the case of a voluntary return of a runaway without requisition under Article VI, the person entitled to ~~his~~ the juvenile's legal custody shall pay the expense of transportation and the actual and necessary expenses of the person, if any, who returns ~~such~~ the juvenile; but if ~~he~~ the person is financially unable to pay all the expenses ~~he~~ or she may petition the ~~juvenile court of~~ assigned to exercise jurisdiction under this chapter for the county of the petitioner's residence for an order arranging for the transportation as provided in sub. (1). The court shall inquire summarily into the financial ability of the petitioner and, if it finds ~~he~~ the petitioner is unable to bear any or all of the expense, the court shall arrange for ~~such~~ the transportation at the expense of the county and shall order the county to reimburse the person, if any, who returns the juvenile, for ~~his~~ the person's actual and necessary expenses. The court may order that the petitioner reimburse the county for so much of ~~said~~ the expense as the court finds ~~he~~ the petitioner is able to pay. If the petitioner fails, without good cause, or refuses to pay ~~such~~ that sum, ~~he~~ or she may be proceeded against for contempt.

SECTION 130. 49.172 (3) of the statutes is amended to read:

49.172 (3) ~~When~~ If it appears to the satisfaction of the ~~county circuit~~ court ~~of~~ for the county in which an infirmary is located, upon petition for commitment, that a person meets the standards ~~set forth in~~ under sub. (1), it may, after affording ~~such~~

the person an opportunity to be heard in person or by someone on his or her behalf, commit ~~him~~ the person to a county infirmary. The power to commit includes persons who entered an infirmary voluntarily. The court may also, on petition and after a hearing, order the discharge of any patient, upon a showing that ~~he~~ the patient is no longer in need of infirmary care, or that ~~he~~ the patient can be adequately cared for elsewhere.

SECTION 131. 49.19 (4) (c) of the statutes is amended to read:

49.19 (4) (c) The person having the care and custody of ~~such the~~ dependent child must be fit and proper to have the ~~same the~~ child. Aid shall not be denied by the county agency on the grounds that a person is not fit and proper to have ~~such the~~ care and custody of the child until the agency ~~has obtained~~ obtains a finding substantiating ~~such that~~ fact from a juvenile court assigned to exercise jurisdiction under ch. 48 or other court of competent jurisdiction; but in appropriate cases it is ~~deemed to be~~ the responsibility of the county agency to petition under ch. 48 or refer the case to a proper child protection agency.

SECTION 132. 51.20 (1) (c), (6) and (16) (b) and (k) of the statutes, as affected by chapter 428, laws of 1977, are amended to read:

51.20 (1) (c) The petition shall contain the names and mailing addresses of the petitioners and their relation to the subject individual, and shall also contain the names and mailing addresses of the individual's spouse, adult children, parents or guardian, custodian, brothers, sisters, person in loco parentis and person with whom the individual resides or lives. If this information is unknown to the petitioners or inapplicable, the petition shall so state. The petition may be filed in the ~~branch of the county court which handles~~ assigned to exercise probate matters in jurisdiction for the county where the subject individual is present or the county of the individual's legal residence. If the judge of ~~such county the~~ court or a court commissioner who handles probate matters is not available, the petition may be filed and the hearing under sub. (7) may be held before a judge or court commissioner of any circuit court of record of for the county. For the purposes of this chapter, duties to be performed by a court shall be carried out by the judge of ~~such the~~ court or a court commissioner of ~~such the~~ court who is an attorney and is designated by the judge to so act, in all matters prior to a final hearing under this section. The petition shall contain a clear and concise statement of the facts which constitute probable cause to believe the allegations of the petition. The petition shall be sworn to be true. If a petitioner is not a petitioner having personal knowledge as provided in par. (b), the petition shall contain a statement providing the basis for his or her belief.

(6) JUVENILES. For minors, the hearings held under this section shall be before the juvenile court assigned to exercise jurisdiction under ch. 48.

(16) (b) A petition under this subsection may be filed with the ~~branch of the county court which handles~~ assigned to exercise jurisdiction over probate matters, either ~~in~~ for the county from which the patient is committed or ~~in~~ for the county in which the patient is detained.

(k) Any order of a board established ~~pursuant to~~ under s. 51.42 or 51.437 is subject to review by the ~~branch of the county court which handles~~ assigned to exercise probate matters jurisdiction upon petition ~~pursuant to~~ under this subsection.

SECTION 133. 51.77 (2) (f) of the statutes is amended to read:

51.77 (2) (f) That records of the intended transfer, including proof of service of notice under par. (d) be reviewed by ~~branch 1 of the county court of~~ assigned to exercise probate jurisdiction for the county in which the patient is confined or by any other court which a relative or guardian requests to do so.

SECTION 134. 52.01 (2) and (4) of the statutes, as affected by chapter 271, laws of 1977, are amended to read:

52.01 (2) Upon failure of these relatives ~~so to do said~~ provide maintenance the authorities or board shall submit to the district attorney a report of its findings, ~~and~~

~~upon.~~ Upon receipt ~~thereof~~ of the report the district attorney shall, within 60 days, apply to the ~~county circuit court of~~ for the county in which the dependent person resides for an order to compel such maintenance. Upon such an application the district attorney shall make a written report ~~thereof~~ to the county department of social services or public welfare, with a copy to the chairperson of the county board and to the department.

(4) The ~~county circuit~~ court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from ~~such these~~ relatives, if ~~they have~~ sufficient ability (~~having due regard for considering~~ their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age) in the following order: First the husband or wife; then the father; and lastly the mother. ~~Such The~~ order shall specify a sum which will be sufficient for the support of ~~such the~~ dependent person, to be paid weekly or monthly, during a period fixed ~~therein, by the order~~ or until the further order of the court. If ~~the court is~~ satisfied that any such relative is unable wholly to maintain ~~such the~~ dependent person, but is able to contribute to the person's support, the court may direct 2 or more ~~such of the~~ relatives to maintain the person and prescribe the proportion each shall contribute ~~and if.~~ If the court is satisfied that ~~such these~~ relatives are unable together wholly to maintain ~~such the~~ dependent person, but are able to contribute ~~something therefor to the person's support,~~ the court shall direct a sum to be paid weekly or monthly by each ~~such~~ relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department of health and social services and distributed as required by state and federal law. Upon application of any party affected ~~thereby~~ by the order and upon like notice and procedure, the court may modify such an order. Obedience to such an order may be enforced by proceedings ~~as~~ for a contempt.

SECTION 135. 52.03 (1), (2) and (3) of the statutes are amended to read:

52.03 (1) ~~When the~~ If a father, or mother, being a widow or living separate from her husband, absconds or is about to abscond from his or her children, or a husband from his wife, or ~~when such if a~~ father, mother or husband is about to remove permanently from the municipality in which he or she resides, leaving a wife or children, or both, chargeable or likely to become chargeable upon the public for support, or neglects or refuses to support or provide for ~~such the~~ wife or children, the county or municipality where ~~such the~~ wife or children may be, by the official or agency designated to administer public assistance, may apply to the ~~county judge of circuit court~~ for any county in which any real or personal property, ~~real or personal,~~ of ~~said the~~ father, mother or husband is situated for a warrant to seize the property.

(2) Upon due proof of the facts ~~aforsaid such judge~~ the court shall issue ~~his a~~ warrant authorizing ~~such the~~ county or municipality to seize the property of ~~such that~~ person, wherever found in ~~said the~~ county; and they shall, respectively, be vested with all the rights and title, as limited in this section, to ~~such that~~ property which ~~such the~~ person had at the time of his or her departure. They shall immediately make an inventory ~~thereof of the property~~ and return ~~the same it~~ with ~~said the~~ warrant and their proceedings thereon to the ~~county circuit~~ court. All sales and transfers of any real or personal property left in ~~such that~~ county, made by ~~him the person~~ after the issuing of ~~such the~~ warrant, ~~shall be absolutely is~~ void.

(3) Upon ~~such the~~ return the ~~county circuit~~ court may inquire into the facts and circumstances and may confirm ~~such the~~ seizure or discharge the same; ~~and if the same be.~~ If the seizure is confirmed, the court shall from time to time direct what part of the personal property shall be sold and how much of the proceeds of ~~such the~~ sales and the rents and profits of the real estate shall be applied toward the maintenance of the wife or children of ~~such the~~ person. All such sales shall be at public auction in accordance with the laws relating to execution sales of personalty and realty as provided in ss. 815.29 and 815.31.

SECTION 136. 52.06 of the statutes is amended to read:

52.06 (title) Courts; process. ~~The several county courts shall have concurrent jurisdiction with the circuit~~ Circuit courts have jurisdiction of offenses arising under s. 52.05, and every such court shall be ~~at all times~~ open to hear, try and determine all cases arising ~~thereunder under that section.~~ Process may issue and proceedings be had for the arrest and examination of offenders under ch. 968. If, upon examination, the defendant is bound over or held for trial, the court or officer who conducts the examination shall, if necessary, forthwith transmit the record ~~thereof of the examination~~ to the circuit ~~or county~~ court of for the county in which the examination was held, and shall order the defendant forthwith to appear before the court to which he or she has been held, there to stand trial.

SECTION 137. 52.07 of the statutes is amended to read:

52.07 Procedure. The district attorney shall file an information against the defendant as soon thereafter as practicable, and the defendant shall be arraigned upon the same. If ~~he~~ the defendant pleads guilty, sentence shall be immediately awarded; ~~if he.~~ If the defendant pleads not guilty, a jury shall forthwith be impaneled and the defendant put upon trial, unless a continuance is granted for cause. If at the time a plea of not guilty is made there is not a regular panel of jurors in attendance upon ~~such~~ the circuit court, the court shall order the sheriff to summon a specified number of jurors from the residents of the county qualified to serve as jurors in ~~courts of record that court.~~ The trial and all proceedings therein and subsequent thereto shall be, as nearly as possible, in conformity with the practice ~~in the circuit courts of the court~~ in criminal cases, ~~and the clerk of the circuit court of the county in which the trial is had shall act as clerk of the county court in all such cases tried therein, and shall receive the same fees as are allowed for like services in the circuit court.~~

SECTION 138. 52.10 (2) (a) of the statutes is amended to read:

52.10 (2) (a) "Court" means the ~~family court branch of circuit or county court assigned to exercise jurisdiction under ch. 247~~ or, if there is none, the court having jurisdiction under s. 52.05 to enforce support and, when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

SECTION 139. 52.31 of the statutes is amended to read:

52.31 When bound over for trial; new proceedings, when had if discharged. (1) If the defendant does not enter into a settlement agreement with the complainant as provided in s. 52.28 or 52.29 and there is probable cause to believe him to be the father of the child, the court or court commissioner shall cause him to be bound over for trial ~~at the next term of~~ before the circuit ~~or county~~ court for the proper county.

(2) The court or court commissioner shall thereupon certify and return the examination and all testimony so taken before him or her with all process and papers in the case to the clerk of ~~said~~ the circuit ~~or county~~ court.

(3) If any examination ~~has been had~~ was conducted as provided by law, and the person complained of ~~has been~~ was discharged for want of sufficient evidence to raise a probability of his paternity, and the district attorney afterwards discovers admissible evidence sufficient, in his or her judgment, to convict the person discharged, ~~he~~ the district attorney may, notwithstanding ~~such that~~ discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon another proceeding shall be had.

SECTION 140. 52.32 of the statutes is amended to read:

52.32 Venue; change of venue. All (1) Except as provided under sub. (2), venue for all cases begun under ss. 52.21 to 52.45 shall be tried is in the county where the complainant resides ~~(or if said~~ the complainant is a nonresident of the state, then in the county where the defendant resides), ~~unless,~~

(2) If it appears to the satisfaction of the court by affidavit that a fair and impartial trial cannot be had in ~~such that~~ county, ~~in which case~~ the court may direct that the defendant be tried in some adjoining county where a fair and impartial trial can be had or in the county where the defendant resides; ~~the,~~

~~(3) The~~ defendant ~~shall be~~ is entitled to only one change of venue.

SECTION 141. 52.33 of the statutes is amended to read:

52.33 Continuance; bail. ~~If at the next term of the court to which the defendant is bound over or to which the venue has been changed~~ the complainant has not borne her child or is not able to attend, or if at any time there is any other sufficient reason, the court may order a continuance of the cause. If the sureties on the bond ~~at any term of court~~ object to continue being ~~any longer~~ held liable or if the court for any cause deems it proper ~~such, the~~ court may order a new bond to be given and the defendant shall be committed until he gives ~~such the~~ new bond.

SECTION 142. 56.08 (7) of the statutes is amended to read:

56.08 (7) (a) If the prisoner was convicted in a municipal court, ~~a court having criminal jurisdiction (other than the circuit court) located in~~ for the county seat ~~(designated for this purpose by the judges of all such courts if there is more than one)~~ has authority and jurisdiction to make all determinations and orders under this section and s. 53.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(b) If the prisoner was convicted in a court in another county, the circuit court ~~of record having criminal jurisdiction~~ referred to in par. (a) may, at the request or with the concurrence of the committing court, make all determinations and orders under this section and s. 53.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

SECTION 143. 56.17 (2) of the statutes is amended to read:

56.17 (2) ~~The judges of the misdemeanor and traffic branches of the county court and criminal division branches of the circuit court~~ chief judge of the judicial administrative district and his or her designees, district attorney and sheriff ~~of such for the county and the mayor and city attorney of its most populous city,~~ shall constitute a board of visitors, who shall investigate the affairs of ~~such the~~ house of correction on the first Monday of August in each year, and thereupon report in writing to the county board at its annual meeting, or to the county board of public welfare if ~~such the~~ board is in charge of ~~such the~~ institution, setting forth its condition, and suggesting such alterations, improvements or other matters respecting the management, discipline and government of the ~~same~~ institution as may promote the purposes thereof and the interests of ~~said the~~ county.

SECTION 144. 57.06 (4) of the statutes is amended to read:

57.06 (4) (a) ~~Any If any~~ person convicted ~~in the of a~~ misdemeanor ~~and or~~ traffic ~~branches of the county court and~~ offense, any person convicted ~~in the of a~~ criminal ~~branches of offense in~~ the circuit court ~~in counties for a county~~ having a population of 500,000 or more and sentenced to 2 years or less in the house of correction ~~and or~~ any person committed to ~~said the~~ house of correction for treatment and rehabilitation for addiction to a controlled substance under ch. 161, ~~who~~ during the period of confinement or treatment appears to have been rehabilitated or cured to the extent, in the opinion of the superintendent of ~~said the~~ house of correction or the person in charge of treatment and rehabilitation of a prisoner at ~~said that~~ institution, that the prisoner may be released, ~~said the~~ prisoner may be released upon conditional parole.

(b) Application for such conditional parole shall be made in writing by the superintendent of the house of correction to the ~~judge of such misdemeanor and traffic branches of the county court or criminal branches of the circuit court, as the commitment requires,~~ stating the facts justifying the application. ~~The misdemeanor and traffic branches of the county court or criminal branches of the circuit court shall proceed to take testimony in support of the application. If the judge is satisfied from the evidence that there is good reason to believe that the prisoner has been rehabilitated or cured to the extent that he or she may be released and that proper provision for employment and residence has been made for the prisoner, the judge may order his the prisoner's release on parole to the superintendent of said the house of correction, or to the probation department of the criminal branches of the circuit or~~

~~misdemeanor and traffic branches of the county court prior to January 1, 1972, on such conditions to be stated in the order of release as the judge determines. In the event of violation of any such conditions by the prisoner, he or she shall be returned to the misdemeanor and traffic branches of the county or criminal branches of the circuit court and may be recommitted to the house of correction to serve the remainder of his or her sentence or for further treatment.~~

SECTION 145. 59.025 (3) (intro.) and (4) of the statutes are amended to read:

59.025 (3) (intro.) CREATION OF OFFICES. Except for the offices of supervisor, ~~judge~~, county executive and county assessor and those officers elected under section 4 of article VI of the constitution, the county board may:

(4) SELECTION PROCESS FOR OFFICES. The county board may determine the method of selection of any county offices except for the offices of supervisors, ~~judges~~, county clerk, county treasurer, clerk of courts, county executive and county assessor and those officers elected under section 4 of article VI of the constitution. The method may be by election or by appointment and, if by appointment, the county board shall determine the appointing authority, subject to ss. 59.031 and 59.032.

SECTION 146. 59.07 (8) and (20) of the statutes are amended to read:

59.07 (8) OFFICIAL SEALS. Provide an official seal for the county and the county officers required to have one; and for the circuit ~~and county courts court~~, with such inscription and devices as ~~said courts respectively require~~ that court requires.

(20) CIVIL SERVICE SYSTEM. Establish a civil service system of selection, tenure and status, and the system may be made applicable to all county personnel, except the members of the board, constitutional officers, ~~and~~ members of boards and commissions ~~and judges~~. The system may also include ~~also~~ uniform provisions in respect to classification of positions and salary ranges, payroll certification, attendance, vacations, sick leave, competitive examinations, hours of work, tours of duty or assignments according to earned seniority, employe grievance procedure, disciplinary actions, layoffs and separations for cause subject to approval of a civil service commission or the board. The board may request the assistance of the department of local affairs and development and pay for such services, under s. 22.13 (2) (o).

SECTION 147. 59.20 (11) of the statutes is amended to read:

59.20 (11) Pay to the state treasurer on his or her order all state suit tax moneys received from the clerk of the circuit court ~~pursuant to under~~ s. 59.395 (5) ~~after adjustments for transfer of cases between the circuit and county court~~, and if any such moneys remain in his or her hands when he or she is required to pay the state tax, pay such moneys therewith to the state treasurer.

SECTION 148. 59.23 (3) of the statutes, as affected by chapter 418, laws of 1977, is amended to read:

59.23 (3) Attend upon the circuit court held in the sheriff's county during its session, and at the request of the court file with the clerk thereof a list of ~~the~~ deputies, ~~not exceeding 3, who are to receive a per diem~~ for attendance on the court. The court may by special order authorize ~~a greater number of~~ additional deputies to attend when the court is engaged in the trial of any person charged with a crime. Except as otherwise provided in this section, the county board shall establish the rate of compensation and the level of services to be provided. The sheriff or one or more deputies shall attend the court of appeals when it is in session in the sheriff's county. The state shall reimburse the county from the appropriation under s. 20.660 (1) for the actual salary paid to the sheriff or deputies for the service provided for the court of appeals.

SECTION 149. 59.23 (12) of the statutes is repealed.

SECTION 150. 59.28 (22) of the statutes is amended to read:

59.28 (22) Attendance upon the circuit ~~or county~~ court, the sheriff or the necessary deputies, to be paid out of the county treasury, shall receive such salary or per diem as the county board determines.

SECTION 151. 59.29 (2) of the statutes is amended to read:

59.29 (2) The sheriff of any county having less than ~~three hundred thousand~~ 300,000 population shall not receive the compensation provided ~~for in subsection under sub. (1), unless the apprehension shall have been~~ was duly authorized in writing by the district attorney or by the ~~county circuit judge of for the county wherein where~~ county circuit judge of for the county where the crime was committed, ~~which.~~ The written authority shall certify that the ends of justice will be subserved by the apprehension and return of ~~such the~~ the person, and the sheriff shall attach ~~such the~~ the certificate to and file it with his or her itemized account of such services.

SECTION 152. 59.36 of the statutes is amended to read:

59.36 Service when no coroner. Whenever, for any cause, there is a vacancy in the office of coroner, or when ~~he the coroner~~ the coroner is absent from ~~his the~~ the county, sick or unable to perform the duties of ~~his that~~ that office, or for any reason, except the nonpayment of legal fees, refuses to serve and execute legal process against the sheriff in any action commenced in any court of record within the county for which ~~such the~~ the coroner was or should have been elected, any judge of a court of record or court commissioner of ~~such the~~ the county may, on proof of ~~such the~~ the vacancy, sickness, absence or refusal to serve and execute such process, by an order to be ~~indorsed~~ endorsed on such process and addressed to him or her, empower any ~~respectable citizen and taxpayer~~ respectable citizen and taxpayer of the county in which such process is to be served and executed to serve and execute the same; and ~~such that~~ that order shall be sufficient authority to the person therein named to serve and execute such process with like powers, liabilities and fees as the coroner.

SECTION 153. 59.38 of the statutes is amended to read:

59.38 Clerk of court; deputies; chief deputy; division chief deputies; calendar deputy clerk in certain counties. (1) COUNTIES OF LESS THAN 500,000 POPULATION. Every clerk of the circuit court shall appoint one or more deputies, ~~men or women, which and the~~ and the appointments shall be approved by the ~~judge of the majority of circuit court judges for the county,~~ majority of circuit court judges for the county, but shall be revocable by the clerk at pleasure, except in counties having a population of 500,000 or more. ~~Such The~~ The appointments and revocations shall be in writing and filed in the clerk's office; ~~such. The~~ such. The deputies shall aid the clerk in the discharge of ~~his the clerk's~~ the clerk's duties, ~~and in his. In the absence of the clerk from his the office or from the court they may perform all his the clerk's~~ the clerk's duties; or in case of a vacancy by resignation, death, removal or other cause the deputy appointed shall perform all such duties until ~~such the~~ the vacancy is filled.

(2) COUNTIES OF MORE THAN 500,000 POPULATION. In counties having a population of 500,000 or more the clerk shall appoint one chief deputy and 4 assistant chief deputy clerks; ~~2, 3~~ 2, 3 calendar deputy clerks, ~~circuit court; a calendar deputy clerk, county court,~~ and one or more deputy clerks as the county board authorizes. ~~Such The~~ The deputy clerks shall aid the clerk in the discharge of the clerk's duties under the supervision of the clerk, the chief deputy clerk and the assistant chief deputy clerks. ~~The appointment appointments of such the chief deputy clerk who is exempt from classified civil service and such the calendar deputy clerk clerks shall be in writing and filed in the clerk's office; These appointments shall be approved by the chief judge of such county of the judicial administrative district, but be are~~ are revocable at the pleasure of the clerk. ~~Such The~~ The chief deputy clerk ~~shall have~~ has all powers and duties of assistant chief deputy clerks, deputy clerks, and other court assistants except bailiffs and reporters and in the absence of the clerk from the office or from the court, the chief deputy clerk may perform all of ~~said the~~ the clerk's duties; or in case of a vacancy by resignation, death, removal or other cause the chief deputy clerk shall perform all such duties until ~~such the~~ the vacancy is filled.

SECTION 154. 59.39 (2) to (9m) of the statutes, as affected by chapter 105, laws of 1977, are amended to read:

59.39 (2) Keep ~~a book called~~ a court record and write therein names of parties in every civil action or proceeding in ~~such the~~ the court, the names of attorneys representing ~~such the~~ the parties, a brief statement of the nature of the action or proceeding, the date of filing every paper therein and of each proceeding taken, the file wherein ~~such the~~ the

papers can be found, the time when put on the calendar for trial, and when and how disposed of; the ~~volume and page of the minute book~~ location where minutes in every case can be found and the place in the judgment ~~book~~ record or microfilm file where any judgment, order or report has been recorded, so as to make the court record a history in brief of each action or proceeding from beginning to final disposition; and a complete index of all proceedings therein.

(3) ~~Keep a book called~~ a criminal record and write therein a history in every criminal action like the court record in civil actions and proceedings with references to the file where papers in the action can be found, to the minute ~~book~~ record and to the information ~~book~~ record where indictments and informations can be found.

(4) ~~Keep a book called~~ a minute ~~book~~ record and, except for actions under ch. 299, write therein a brief statement of all proceedings in open court showing motions and orders during trial, names of witnesses, jurors drawn, the officer sworn to take them in charge, jury verdicts and openings and adjournments of court. The clerk, in lieu of keeping a minute ~~book~~ record, may elect to incorporate in the appropriate court record, civil or criminal, the data which this subsection requires to be recorded.

(5) ~~Keep a book called~~ a judgment ~~book~~ record or a microfilm file and record therein all judgments, orders or reports in civil actions or proceedings which purport to finally dispose of an action or proceeding or which the judge orders to be recorded.

(6) ~~Keep a book called~~ an information ~~book~~ record or a microfilm file and record therein all indictments and informations.

(7) ~~Keep a book or books called~~ judgment ~~dockets~~ record and docket therein all money judgments of the court, transcripts from judgment dockets of other Wisconsin courts and of federal courts, warrants for unemployment compensation and warrants for delinquent Wisconsin income taxes.

(8) ~~Keep a book or books called~~ lien ~~dockets~~ record and docket therein all claims for liens filed by contractors, subcontractors, materialmen and laborers and all claims filed for log, mining and maintenance liens.

(9) ~~Keep an index or indices to: the court record, the criminal record, the judgment docket or dockets~~ record and the lien ~~docket or dockets~~ record.

(9m) ~~Keep a book containing~~ a record of all payments and arrearages in payments ordered by the court under s. 52.05, 52.055, 247.25 to 247.265 or 247.29 (1).

SECTION 155. 59.395 (5) of the statutes, as affected by chapters 29 and 418, laws of 1977, are amended to read:

59.395 (5) Pay monthly to the county treasurer for the use of the state the state tax required to be paid on each civil action, cognovit judgment and special proceeding filed during the preceding month, ~~after adjustments for transfer of cases between the circuit and county courts,~~ and pay monthly to the county treasurer for the use of the state the amount for court imposed fines and forfeitures required by law to be deposited in the state treasury and the amounts required by s. 165.87 (2) (b) for the penalty assessment surcharge. The payments shall be made by the 15th day of the month following receipt thereof.

SECTION 156. 59.40 of the statutes, as affected by chapter 305, laws of 1977, is amended to read:

59.40 Not to act as attorney. No person acting as clerk of any circuit ~~or county~~ court in this state may practice as attorney or solicitor in the court in which the person is acting as clerk; and the person shall not be eligible for the office of municipal judge during the time the person holds the office of the clerk.

SECTION 157. 59.41 of the statutes is repealed.

SECTION 158. 59.42 (intro.), (9) (a) and (10) (b) of the statutes, as affected by chapter 105, laws of 1977, are amended to read:

59.42 Clerk of court; fees. (intro.) Notwithstanding other provisions in the statutes or session laws, the clerk of circuit court ~~and the clerk of any other court of record (in~~

~~all actions and proceedings civil or criminal brought under jurisdiction concurrent with the circuit court, except those handled under essentially municipal court or small claims procedure)~~ shall collect the following fees:

(9) (a) For certifying and transmitting documents upon appeals, writs of error, changes of venue, ~~for special terms in other counties~~, for enforcing real estate judgments in other counties, or for enforcing judgments in other states ~~(, in addition to postage)~~, \$2.

(10) (b) For receiving and disbursing money deposited as payment for maintenance payments, support money or other contribution pursuant to judgment, court order or stipulation in connection with any divorce, illegitimacy or other domestic relations action or proceeding, such annual sum not more than \$10 as the ~~presiding~~ judge may direct. The sum to be paid shall be collected by December 31 of each year from the party ordered to pay and failure to pay shall be reviewed by the family court commissioner or ~~a presiding the~~ judge in proceedings instituted to compel payment by the district attorney or corporation counsel, if there ~~be is~~ one, of a county.

SECTION 159. 59.43 of the statutes is amended to read:

59.43 Payment of filing fee. The clerk of the circuit court ~~and the clerk of any other court of record~~ may refuse to accept any paper for filing or recording until the clerk's fee provided in s. 59.42 or other applicable statute is paid.

SECTION 160. 59.456 (6) of the statutes is amended to read:

59.456 (6) It is the responsibility of the district attorney, after September 24, 1965, to institute, commence or appear in all civil actions or special proceedings under ss. 52.10, 806.05 and 971.14, and in all actions or proceedings in ~~the criminal branches of the county and~~ circuit courts which are related to or part of criminal prosecutions, and to perform all appropriate duties and appear whenever the district attorney is designated in matters within chs. 292, 976 and 979 and ss. 51.81 to 51.85, except that the district attorney shall not appear in matters under s. 292.01 (2). The district attorney is also authorized to appear in ~~children's court~~ juvenile matters involving delinquency or neglect, or contributing to either, or violation of traffic laws or ordinances, except that in any such matter the corporation counsel shall appear instead of the district attorney at the request of the court if the ~~presiding~~ judge considers that the interests of justice would be more adequately served ~~thereby; and the~~. The district attorney is further authorized to appear in ~~children's a court~~ assigned to exercise jurisdiction under ch. 48 in connection with other matters as requested by the judge. In addition ~~thereto~~, whenever requested by the county board, the district attorney shall prosecute all violations of county ordinances ~~before any of the courts of the county~~.

SECTION 161. 59.47 (2) and (11) of the statutes are amended to read:

59.47 (2) Prosecute all criminal actions before any court ~~in for her or~~ his county, other than those exercising the police jurisdiction of incorporated cities and villages in cases arising under the charter or ordinances thereof, when requested by ~~such the~~ court; and upon ~~like~~ request by the court, conduct all criminal examinations which may be had before ~~such the~~ court, and prosecute or defend all civil actions before ~~such the~~ courts in which the county is interested or a party.

(11) Perform any duties in connection with juvenile court proceedings in a court assigned to exercise jurisdiction under ch. 48 as the ~~juvenile court~~ judge may request.

SECTION 162. 59.475 of the statutes is amended to read:

59.475 Shawano county district attorney for Menominee county. Menominee county ~~shall be is~~ attached to Shawano county for judicial purposes to the extent of the office and functions of the district attorney, and the district attorney of Shawano county shall serve as district attorney for Menominee county with all the duties, rights and powers of district attorney therein, and no district attorney ~~shall may~~ be elected in Menominee county, the county not being organized for that purpose. The county board of Menominee county may, however, employ a corporation counsel as provided in s. 59.07 (44) and ~~said the~~ district attorney's powers and duties in Menominee

county shall cease to the extent they are conferred upon the corporation counsel. The county boards of Menominee county and Shawano county shall enter into an agreement on administration of this section and the prorating of ~~expenditure expenditures~~ involved, and for such purposes the county board of supervisors of Menominee county ~~shall be authorized to~~ may appropriate, levy and collect a sum each year sufficient to pay its share of ~~such the~~ expenses. If the 2 county boards are unable to agree on the prorating of expenditure involved, then the ~~judge of the circuit court judges~~ for the ~~tenth circuit court~~ for Menominee and Shawano counties shall, upon appropriate notice and hearing, determine the prorating of ~~such the~~ expenditures on the basis of a fair allocation to each county under such procedures as ~~he prescribes~~ they prescribe. If the circuit judges are unable to agree, the chief judge of the judicial administrative district shall make the determination. The district attorney of Shawano county shall be on a full-time basis as long as his or her duties include serving as district attorney for Menominee county.

SECTION 163. 59.49 of the statutes is amended to read:

59.49 Restrictions on district attorney. (1) No district attorney ~~shall~~ may receive any fee or reward from or on behalf of any prosecutor or other individual for services in any prosecution or business to which it is ~~his~~ the district attorney's official duty to attend; ~~nor~~.

(2) No district attorney may be concerned as attorney or counsel for either party, other than for the state or county, in any civil action depending upon the same state of facts upon which any criminal prosecution commenced but undetermined depends; ~~nor shall any~~.

(3) No district attorney while in office ~~be~~ is eligible ~~to~~ for or may hold any judicial office whatever, except as follows:

(a) Any district attorney of any county having a population of 40,000 or less may also be the family court commissioner for ~~such the~~ county; ~~however, if said offices are so held by the same person pursuant to this authorization such~~ but in that case the person shall be disqualified from acting as district attorney in any action or proceeding involving the same subject matter, in whole or in part, of any action or proceeding in which ~~such the~~ person has theretofore acted as family court commissioner and a special prosecutor in relation to ~~any such the~~ matter shall ~~thereupon~~ be appointed pursuant to under s. 59.44 (1); and ~~such~~

(b) The person shall likewise be disqualified from acting as family court commissioner in any action or proceeding involving the same subject matter, in whole or in part, of any action or proceeding in which ~~such the~~ person has theretofore acted as district attorney, and a temporary assistant family court commissioner shall ~~thereupon~~ be appointed pursuant to under s. 247.13 (4), or another attorney shall be appointed to perform the duties of family court commissioner pursuant to under s. 247.16 in relation to ~~any such the~~ matter.

(4) No person who acted as district attorney, assistant district attorney, or special district attorney for a county at the time of the arrest, examination, or indictment of any person charged with a crime, and who was at such time such official of the in that county ~~where the crime charged was committed, shall~~ may thereafter appear for, or defend ~~such that~~ person against the crime charged in ~~such the~~ complaint, information or indictment.

SECTION 164. 59.55 (3) of the statutes is amended to read:

59.55 (3) ~~In the event of the adoption of any such~~ If a system of tract indices, or of any such a system of chain of title indices, is adopted by such the county board of supervisors, by such resolution, and if such the resolution ~~shall provide~~ provides that ~~any such the~~ index shall include an abstract or notation of any proceeding or proceedings pending, ~~or~~ of any instruments or documents filed or entered in the office of the clerk of any court of ~~such the~~ county ~~or of, the county circuit court or of the register of probate, or of any sales for taxes made by any officer of said the~~ county, or ~~of~~ any city in ~~said the~~ county, and ~~shall call~~ calls for a daily report to be made to the

register of deeds of ~~said the~~ county by any officer in charge of ~~any such office of any~~ such proceedings, instruments or documents or tax sales, each ~~such~~ office so called upon by ~~said the~~ resolution to make ~~such a~~ daily report, shall, upon the close of business on each day report, in writing, under his ~~or her~~ hand, to ~~said the~~ register of deeds, any and all proceedings, instruments and documents, and tax sales, ~~so~~ called for by ~~such the~~ resolution, and ~~said the~~ register shall, when required to maintain and keep up ~~such the~~ system of indices, note all ~~such the~~ proceedings, instruments and documents, and tax sales upon ~~such the~~ indices, in accordance with ~~such the~~ resolution.

SECTION 165. 59.63 (1) of the statutes is amended to read:

59.63 (1) ~~Whenever~~ If a majority of all the resident landowners in any section of land within this state desire to establish, relocate or perpetuate any section or other corner ~~thereof of any section~~, or in the same section a division line ~~thereof of the section~~, they may make a formal application in writing to the county circuit judge ~~of for~~ the county in which the land is situated. The county circuit judge shall file ~~such the~~ application in his ~~or her~~ court and shall within a reasonable time give at least 10 days' notice in writing to the owners of all adjoining lands, if ~~such those~~ owners reside in the county where ~~said the~~ land is situated and if not, by publication of a class 3 notice, under ch. 985, stating the day and hour when the county circuit judge will consider and pass upon such application, ~~and the county~~. The circuit judge shall, ~~at such time~~ hear all interested parties and approve or reject ~~such the~~ application; ~~if such at that time~~. If the application is approved, the county clerk shall notify the county surveyor who shall within a reasonable time proceed to make the required survey and location. If a corner is to be perpetuated, ~~he~~ the surveyor shall deposit in the proper place a stone or other equally durable material of the dimensions and in the manner and with the markings ~~set forth in provided under~~ s. 60.37, and shall also erect witness monuments as ~~set forth in provided under~~ s. 59.635. The surveyor shall be paid the cost of ~~said the~~ perpetuation from the general fund of the county.

SECTION 166. 59.635 (3) of the statutes is amended to read:

59.635 (3) In those counties where there are no county surveyors a petition can be made to the county judge board by any resident of this state requesting ~~him the board~~ to appoint a land surveyor to act in the capacity of the county surveyor. The county judge board, upon receipt of this petition, shall appoint a land surveyor to act in the capacity of the county surveyor. In counties having a population of 500,000 or more, the county judge board may appoint a governmental agency to act in the capacity of county surveyor.

SECTION 167. 59.64 of the statutes is amended to read:

59.64 Certificates and records as evidence. The certificate and also the official record of the county surveyor when produced by the legal custodian thereof, or any of ~~his the county surveyor's~~ deputies, when duly signed by ~~him the county surveyor~~ in his ~~or her~~ official capacity, shall be admitted as evidence in any court within the state, but the same may be explained or rebutted by other evidence. If any county surveyor or any of his ~~or her~~ deputies are interested in any tract of land a survey of which becomes necessary, such survey may be executed by any land surveyor to be appointed by the ~~court before whom such matter may be pending county board~~.

SECTION 168. 59.77 (3), (4) (intro.), (5) (intro.) and (8) (intro.) of the statutes, as affected by chapter 305, laws of 1977, are amended to read:

59.77 (3) **OF JUDICIAL OFFICERS.** ~~County judges and court~~ Court commissioners shall, on or before the first Monday of November in each year, forward to the county clerk of their respective counties a correct statement of all actions or proceedings had before them, during the year next preceding, in which the county shall have become liable for costs, giving the names of the parties in each action or proceeding, the nature and result of the same, the amount of costs in detail in each case, and what items, if any have been paid and the amount thereof. The county clerk shall file such statements in his or her office. Any such officer who neglects to make and return such statements within the time prescribed in this subsection shall not receive any

compensation from the county for any service rendered by him or her in any criminal case or proceeding during the year next preceding the time when the statement is required to be made and returned.

(4) OF COURT OFFICERS; CERTIFICATION; AUDIT BY DISTRICT ATTORNEY; WAIVER. (intro.) Fees of officers, in any action or proceeding before a court commissioner ~~or county judge~~, shall be certified to and allowed by the county board in the manner following, and in no other way:

(5) OF JURORS, WITNESSES, INTERPRETERS; PENALTY. (intro.) Whenever any county is liable for fees of jurors, witnesses on the part of the state or on the part of the defendant, or of interpreters in any action or proceeding before a court commissioner ~~or county judge~~, procedure to secure payment of the same shall be as follows:

(8) (intro.) PAYMENT OF JUROR, WITNESS, INTERPRETER, ATTORNEY, GUARDIAN AD LITEM AND TRANSCRIPT FEES IN POPULOUS COUNTIES; PENALTY. Whenever any county having a population of 500,000 or more is liable for juror, witness, interpreter, attorney, guardian ad litem fees on the part of the state or of the defendant in any action or proceeding before a judge of the circuit ~~or county~~ court or before the medical examiner of such county, the procedure to secure payment of such fees shall be as follows:

SECTION 169. 59.89 (1) and (2) of the statutes are amended to read:

59.89 (1) On or before January 10 of every odd-numbered year the clerk of any circuit court ~~or other court of record~~ in this state shall file with the county treasurer of his or her county a written report under oath of all moneys, securities or funds in his or her hands or under his or her possession or control where, for a period of 4 years or more, no order ~~has been was~~ made, or no step or proceeding had or taken in the case, action, or proceeding in, by or through which ~~said the~~ moneys, securities or funds may have been deposited or left with the clerk or his or her predecessors in office, and where no valid claim ~~has been was~~ made upon or for any such moneys, securities or funds for a period of 4 years or more, and where the owner or ownership of ~~said the~~ moneys, securities or funds is unknown, or undetermined, and the clerk or his or her successor in office shall hold ~~said the~~ moneys, securities or funds, together with all interest or profits ~~had thereon~~, until one year after the making of ~~said the~~ report unless sooner demanded by and turned over to the legal owners thereof.

(2) One year after the filing of ~~said the~~ report the clerk of any circuit ~~or other~~ court ~~of record~~ holding or having in his or her possession any such moneys, securities or funds, shall turn the same over to the county treasurer, unless sooner demanded by and turned over to the legal owners thereof under order of the court in which case, action or proceeding ~~shall have been was~~ pending.

SECTION 170. 59.997 (11) of the statutes is amended to read:

59.997 (11) At the next succeeding regular November election, held at least 60 days after the election at which consolidation is approved by the voters, there shall be elected for the consolidated county all county officers provided for by law, ~~except as provided in sub. (12)~~, and ~~such the~~ officers shall be nominated as provided in ch. 6. Their terms shall begin on the first Monday of January next succeeding their election, at which time they shall replace all elective county officers of the counties consolidated into the consolidated county whose terms shall on ~~such that~~ day terminate. All appointive county officers shall be appointed by the person, board or authority upon whom the power to appoint such officers in other counties is conferred. The terms of ~~such the~~ officers shall commence on the first Monday of January next succeeding the first election of officers for the consolidated county, and shall continue, unless otherwise removed, until their successors have been appointed and qualified. The successors of all such officers whose first election or appointment is ~~herein~~ provided for in this subsection shall thereafter be elected or appointed at the time, in the manner and for the terms provided by law.

SECTION 171. 59.997 (12) of the statutes is repealed.

SECTION 172. 60.06 (2) of the statutes is amended to read:

60.06 (2) PETITION; PUBLICATION. A petition signed by a majority of the electors and a majority of the ~~resident freeholders~~ residents of a proposed town showing the existence of facts entitling ~~such that~~ such the territory to be organized as a town and containing an accurate description of ~~such the~~ such the territory, the name of the town of which it forms a part, the names of the electors, and the proposed name of the new town verified by at least 3 signers, shall be presented to the circuit court, ~~or the presiding judge thereof,~~ of the county in which ~~such the~~ such the territory is located, ~~who.~~ The judge shall thereupon by order fix the time and place for the hearing of the petition by the court, and direct that a copy of the petition and order be served upon the clerk of the town of which ~~such the~~ such the territory forms a part, at least 20 days before the hearing, and that notice of ~~such the~~ such the hearing be published in ~~such the~~ such the territory as a class 3 notice, under ch. 985. No formal answer to the petition need be filed.

SECTION 173. 60.065 (2) of the statutes is amended to read:

60.065 (2) PETITION; PUBLICATION. A petition signed by a majority of the electors and a majority of the ~~resident freeholders~~ residents of ~~such the~~ such the rural portion containing an accurate description of ~~such the~~ such the urban area and showing the existence of facts that ~~such the~~ such the urban area ~~would be is~~ is entitled to become a village ~~upon procedure~~ under ch. 66 and entitling ~~such the~~ such the rural area to be organized as a new town and containing an accurate description of ~~such the~~ such the rural area, the name of the town of which it forms a part, the names of the electors, and the proposed name of the new town verified by at least 3 signers, shall be presented to the circuit court, ~~or the presiding judge thereof,~~ of the county in which ~~such the~~ such the territory is located, ~~who.~~ The judge shall thereupon by order fix the time and place for the hearing of the petition by the court, and direct that a copy of the petition and order be served upon the clerk of the town of which ~~such the~~ such the territory forms a part, at least 20 days before the hearing, and that notice of ~~such the~~ such the hearing be published in ~~such the~~ such the territory as a class 3 notice, under ch. 985. A formal answer to the petition need ~~not~~ be filed. Section 60.05 (3) shall not apply to this section.

SECTION 174. 63.20 of the statutes is amended to read:

63.20 Compulsory attendance and fees of witnesses. Any person who ~~shall be is~~ served with a subpoena to appear and testify or to produce books and papers, issued by the board of city service commissioners in the course of any investigation conducted under ~~the provisions of this act ss. 63.18 to 63.53,~~ and who ~~shall refuse or neglect~~ refuses or neglects to appear and testify or to produce books and papers relevant to ~~such the~~ such the investigation, as commanded in ~~such the~~ such the subpoena, shall be guilty of a misdemeanor, and shall on conviction be punished by a fine or imprisonment or both ~~in the discretion of the court,~~ as provided ~~in and by this act under ss. 63.18 to 63.53.~~ The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this state, and shall be paid from the appropriation for the expenses of the board. Any circuit court of this state or any judge thereof, ~~whether in term time or vacation,~~ upon application of the board, may compel the attendance of witnesses, the production of books and papers and giving of testimony before the board by attachment for contempt or otherwise, in the same manner as the production of evidence may be compelled before ~~said the~~ the court. Every person, who ~~having taken~~ takes an oath or ~~made~~ makes affirmation before a commissioner in the course of ~~such an the~~ such the investigation, ~~[shall swear and swears or affirm affirms~~ affirms wilfully, corruptly and falsely, shall be guilty of perjury, and upon conviction shall be punished accordingly.] *

SECTION 175. 66.081 of the statutes is amended to read:

66.081 Record of orders and court certificates. The clerk of every town, village, city and county which is not provided with a book which ~~will serve~~ serves the purposes ~~hereinafter~~ indicated in this section shall obtain and keep a cancellation book in which ~~he the clerk~~ the clerk shall enter the number and date of each order drawn upon the treasurer of ~~his the~~ the town, city, village or county, the page of the record of the proceedings of the body which authorized the issuing of ~~such the~~ such the order, the amount thereof, the name of the drawee, the purpose for which it was allowed and the date of its cancellation.

* The material in brackets was inadvertently dropped in the preparation of 1977 Senate Bill 720 and, consequently, in that text as incorporated into June 1978 Special Session Senate Bill 1. Nothing in the drafting record indicates a legislative intent to omit the material.

~~Such~~ The book shall be furnished by the clerk of each county to the town, city and village clerks therein; ~~he~~. The clerk of each county shall prescribe the form and size thereof and procure ~~the same~~ it at the expense of the county; ~~upon~~. Upon their receipt ~~he~~ the clerk of the county shall transmit ~~them~~ the books to ~~such~~ the clerks and charge their cost to the municipalities to which ~~they are~~ supplied. ~~Immediately after the close of each term of court~~ When directed by the court in any county the clerk of the court shall file with the county clerk a list of the court certificates drawn on the county treasurer, ~~which~~. The list shall specify the number of each certificate, its date, the amount for which it was drawn, the name of the payee and the character of the service performed by him the clerk of the court. ~~Said~~ The list shall be recorded in a part of the cancellation book set apart for that purpose, ~~which~~. The part shall contain a blank column in which shall be entered the date of the cancellation of each certificate. Whenever any a town, village, city or county treasurer shall pay pays or receive receives in payment of taxes, or for any other purpose equivalent to the payment thereof, any order or court certificate ~~he~~, the treasurer shall return the same order or certificate to the proper authorities at their first meeting thereafter, ~~and such~~. The evidences of indebtedness shall be canceled by destroying them, and the date of their cancellation shall be immediately entered by the proper clerk in the cancellation book. It shall be the duty of every such Every clerk on the receipt of ~~such~~ the book ~~to~~ shall enter therein a list of all orders and court certificates which remain outstanding and unpaid.

SECTION 176. 66.12 (2) of the statutes, as affected by chapters 305 and 418, laws of 1977, is repealed and recreated to read:

66.12 (2) APPEALS. Appeals in actions in courts of record to recover forfeitures and penalties imposed by any ordinance, resolution or bylaw of the municipality may be taken either by the defendant or by such municipality. Appeals from circuit court in actions to recover forfeitures for ordinances enacted under ch. 349 shall be to the court of appeals. If the appeal is taken by the defendant he or she shall, as a part thereof, execute a bond to the municipality with surety, to be approved by the judge, conditioned that if judgment is affirmed in whole or in part he or she will pay the same and all costs and damages awarded against him or her on the appeal. If the judgment is affirmed in whole or in part, execution may issue against both the defendant and his or her surety. Upon perfection of the appeal the defendant shall be discharged from custody.

SECTION 177. 66.195 of the statutes is repealed.

SECTION 178. 69.30 (1) (a) of the statutes, as affected by chapter 254, laws of 1977, is amended to read:

69.30 (1) (a) Upon the order of any county circuit judge ~~or judge of juvenile court~~.

SECTION 179. 70.19 (2) of the statutes is amended to read:

70.19 (2) The person so assessed ~~shall be~~ is personally liable for the tax ~~thereon~~. ~~He shall have on the property~~. The person has a personal right of action against the owner or person beneficially entitled to ~~such~~ the property for the amount of ~~such~~ the taxes and ~~shall have~~ has a lien ~~therefor~~ for that amount upon ~~such~~ the property with the rights and remedies for the preservation and enforcement of ~~such~~ that lien provided in ~~sections ss.~~ sections ss. 289.45 and 289.48, and ~~shall be~~ is entitled to retain possession of ~~such~~ the property until the owner or person beneficially entitled ~~thereto shall have paid to the property~~ pays the tax ~~thereon on the property~~ or ~~shall have reimbursed~~ reimburses the person assessed for ~~such~~ the tax if paid by ~~him~~. ~~Such that person~~. The lien and right of possession ~~shall~~ relate back and exist from the time ~~as of which~~ when assessment is made, but may be released and discharged by giving to the person assessed such undertaking or other indemnity as ~~he may accept~~ the person accepts or by giving to him the person a bond in ~~such~~ the amount and with ~~such~~ the sureties as ~~shall be~~ is directed and approved by the county circuit judge of the county in which ~~such~~ the property is assessed, upon ~~eight~~ 8 days' notice to the person assessed, ~~which~~. The bond shall be conditioned to hold and keep the person against whom such the assessment is made free and harmless from any and all costs, expense, liability or damage by reason of ~~such~~ the assessment.

SECTION 180. 71.303 (2) of the statutes is amended to read:

71.303 (2) The amount of funeral and administration expenses allowable by the ~~probate~~ court having jurisdiction of the decedent's estate.

SECTION 181. 72.01 (18) of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 182. 72.27 of the statutes is amended to read:

72.27 (title) Jurisdiction of circuit court. (1) RESIDENTS. The ~~probate circuit~~ court of ~~for~~ the county of which the decedent died a resident has jurisdiction to hear and determine all questions arising under this subchapter and to do any act authorized by a ~~county circuit~~ court in other matters or proceedings coming within its jurisdiction. If 2 or more ~~probate~~ courts are entitled to exercise jurisdiction, the court first acquiring it ~~shall retain~~ retains exclusive jurisdiction.

(2) NONRESIDENTS. The ~~probate circuit~~ court of Dane county ~~shall have~~ has jurisdiction to hear and determine all questions relating to the determination and adjustment of the tax imposed by this subchapter, ~~where if~~ a tax appears due because of the death of a nonresident decedent and in which it does not otherwise appear necessary for regular administration. ~~Where If~~ a nonresident dies possessed of real or tangible personal property located within this state, the ~~probate circuit~~ court of the county in which the property is located shall have concurrent jurisdiction with the ~~circuit court for~~ Dane county court.

SECTION 183. 72.28 (1) (c) 1. b of the statutes is amended to read:

72.28 (1) (c) 1. b. If valuation cannot be established under subd. 1. a, the commissioner of insurance, upon application of the department or ~~county circuit~~ court, shall determine the value. The commissioner's report ~~shall be~~ is presumptive evidence that his ~~or her~~ method of computation is correct.

SECTION 184. 72.34 (2) of the statutes is amended to read:

72.34 (2) The department shall appoint an inheritance tax counsel who shall have charge of the inheritance tax work under the department's supervision and shall be provided with further assistance from the regular force of the department if necessary and expedient. The inheritance tax counsel shall devote his ~~or her~~ time to inheritance tax investigations and shall personally make ~~such the~~ investigation at the ~~county circuit~~ courts. ~~He The inheritance tax counsel~~ shall appear in the ~~county courts~~ circuit court when requested by the ~~county~~ court or the department.

SECTION 185. 73.06 (4) of the statutes is amended to read:

73.06 (4) ~~Whenever If~~ the department of revenue ascertains, or has good reason to believe, that any assessor is guilty of a violation of law, it ~~is authorized to~~ may make a complaint to ~~the presiding judge~~ of the circuit court for the removal of ~~such the~~ assessor. The district attorney shall attend and prosecute ~~such the~~ proceedings for removal.

SECTION 186. 74.12 (2) of the statutes is amended to read:

74.12 (2) ~~Whenever If~~ the treasurer of any town, village or city files with any ~~county circuit~~ court ~~judge in any county~~ an affidavit, stating that a certain person, naming him ~~or her~~, owns, possesses, or is in charge of, certain personal property duly assessed in ~~such the~~ municipality, and that ~~such the~~ person is about to depart permanently from the municipality or state, or is about to dispose of the property, or is about to remove ~~such the~~ property from the municipality, the judge shall issue a warrant of attachment as provided in sub. (1). If ~~such the~~ person has departed permanently from the municipality or state, ~~or~~ has disposed of the property, or has removed the property from the municipality, the personal property tax matures, ~~and~~ an action of debt or distress ~~shall lie~~ lies and s. 74.11 ~~shall apply,~~ applies. The action ~~shall be~~ in the name of the municipality for its collection. Prior to filing ~~such the~~ affidavit, the treasurer shall make a demand upon ~~such the~~ person for payment of the tax and if not collected, shall then file the affidavit under this section.

SECTION 187. 76.08 (1) of the statutes is amended to read:

76.08 (1) Notice of the assessments determined under s. 76.07 shall be given by certified mail to each company, the property of which has been assessed, and ~~such the~~ notice shall be mailed on or before the assessment date specified in s. 76.07 (1). Any company aggrieved by the assessment of its property thus made may have its assessment redetermined by the Dane county circuit court if ~~(a)~~ within 30 days after notice of assessment ~~has been~~ is mailed to the company under s. 76.07 (3) an action for ~~such the~~ redetermination is commenced by filing a summons and complaint with that court, and ~~(b)~~ service of authenticated copies of the summons and complaint is made upon the department of revenue. No answer need be filed by the department and the allegations of the complaint in opposition to the assessment shall be deemed denied. Upon the filing of the summons and complaint the court shall set the matter for hearing without a jury ~~at the next term of said court~~. If the plaintiff fails to file the summons and complaint within 5 days of service upon the department, the department may file a copy thereof with ~~such the~~ court in lieu of the original. The department may be named as the defendant in any such action and shall appear and be represented by its counsel in all proceedings connected with the action but, on the request of the secretary of revenue, the attorney general may participate with or serve in lieu of departmental counsel.

SECTION 188. 80.17 of the statutes is amended to read:

80.17 Appeal from highway order. Any person aggrieved by any order of the town supervisors laying out, altering, widening or discontinuing any highway, or refusing so to do may, within 30 days after ~~such the~~ determination, appeal ~~therefrom from the order or determination~~ to the ~~county or~~ circuit judge for the appointment of commissioners to review the order or determination. Failure of the supervisors to file their decision upon any application to lay out, alter, widen or discontinue any highway within 60 days after the application is made shall be deemed a refusal of the application. The appeal shall be in writing and shall briefly state the grounds upon which it is made, and whether it ~~be made~~ seeks to reverse entirely the order or determination or only a part, and in the latter case it shall state what part. In case of highways upon a line between 2 counties the appeal may be made to the ~~county or~~ circuit judge of either county.

SECTION 189. 80.24 of the statutes is amended to read:

80.24 Appeal from award of damages by owner. If the owner of lands through which a highway is laid out, widened, altered or discontinued is not satisfied with his or her award of damages, within 30 days after the filing of the award, (and if within ~~said the~~ 30 days an appeal has been taken from the order laying out, widening, altering or discontinuing the highway, then within 30 days after the final order on ~~such the~~ appeal affirming the ~~same order~~) ~~he the owner~~ may appeal to the ~~county or~~ circuit judge for a jury to assess his or her damages. ~~His The~~ appeal shall be in writing, describing the premises, and any number of persons claiming damages on account of ~~such the~~ highway may join in the appeal. The appellant shall serve on 2 of the supervisors of the town in which the highway is situated, or upon 2 or more of the supervisors or commissioners of the town, city or village who have been assigned the duty of paying the damages for ~~such the~~ land, at least 6 days before ~~he makes his~~ making the appeal, a notice in writing, specifying therein the name of the judge to whom and the time and place the appeal will be made. If more than one appeal is taken from the award of damages on account of any highway, the appeals shall be consolidated by the ~~county or~~ circuit judge, and only one jury shall be impaneled to reassess the damages.

SECTION 190. 80.25 of the statutes is amended to read:

80.25 Taxpayer may appeal; service of notice. Any taxpayer of a town or other municipality in which a highway is laid out, altered or discontinued or any part thereof is situated, and which is required to pay damages resulting therefrom, may appeal within 30 days after the award or agreement determining ~~such the~~ damages has been filed with the town, city or village clerk, to the ~~county or~~ circuit judge for a jury to assess the damages sustained by the persons to whom damages were awarded or are to

be paid. ~~Such~~ The appeal shall be in writing, describing the premises and naming the persons to whom damages are to be paid, and the amount awarded to each, and shall specify the particular award from which ~~he~~ the taxpayer appeals in case ~~he~~ or she does not appeal from all. The appellant shall serve upon 2 of the supervisors of the town or upon 2 of the commissioners of the city or village to which has been assigned the duty of paying the damages and upon the persons whose awards are appealed from, at least 6 days before making application, a notice in writing specifying therein the name of the judge to whom and the time and place appellant will apply for the selection of ~~such~~ the jury.

SECTION 191. 80.48 (4) of the statutes is amended to read:

80.48 (4) FINDING AS TO NECESSITY OF TAKING; DAMAGES. After ~~such~~ the jurors are sworn the ~~said county circuit~~ or municipal judge, president or chairman shall issue his ~~or her~~ precept directed to them and requiring that within ~~ten~~ 10 days they shall view the land specified therein and make return to him ~~or her~~ under their hands as to whether it is necessary to take it for public use as described in the petition; the jurors shall, at a time to be fixed by them, view ~~said~~ the premises; the parties interested shall have notice of ~~such~~ the time and may offer any evidence pertinent to the inquiry; after ~~taking such view~~ viewing the premises and hearing the evidence the jury shall determine whether a necessity exists for taking the land and shall return their verdict to the officer who issued ~~such~~ the precept. On the receipt thereof ~~such~~ the officer shall, as soon as may be, submit the same to the council, trustees or supervisors, and for that purpose may call a meeting of either body and deliver ~~such~~ the verdict to them; the body to which it is so delivered shall, if in their judgment the public good requires it, immediately make an order laying out a street or highway from the nearest street or highway which can be used as a convenient means of approach to ~~such~~ the cemetery, fairground or land used for industrial expositions, ~~which.~~ The street or highway so laid shall not be less than ~~three~~ 3 nor more than ~~four~~ 4 rods in width, and in ~~said~~ the order they shall appoint ~~three~~ 3 disinterested ~~freeholders~~ residents of the county as commissioners who shall, after notice to the owners or occupants of ~~said~~ the land and after being sworn to support the constitution of the United States and the constitution of this state and faithfully discharge their duties to the best of their ability, assess adequate damages to the owners of the land through which ~~such~~ the street or highway is laid. The award of damages shall be signed by the commissioners and be returned to the city, village or town clerk.

SECTION 192. 87.16 of the statutes, as affected by chapter 187, laws of 1977, 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 under ss. 87.01 to 87.17, shall be placed upon the ~~current term court trial~~ calendar of the court as soon as ~~such~~ the action is at issue and shall have precedence over all other actions pending upon ~~such~~ the calendar. In addition to all other limitations, the time for appealing from any order or judgment entered in ~~such~~ the action shall be limited to 30 days from the date of the entry of ~~such~~ the order or judgment. ~~In the event of such~~ On appeal the cause shall, on the filing of the papers in the court of appeals, be immediately placed at the head of the 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 calendar of the court of appeals.

SECTION 193. 88.01 (3) of the statutes is amended to read:

88.01 (3) "Clerk of court" means the clerk of circuit court ~~or such other person as has been appointed pursuant to law to act as the chief administrative officer of the county court in question.~~

SECTION 194. 88.01 (6) of the statutes is amended to read:

88.01 (6) "Court" ~~or "county court"~~ means the county circuit court of the county in which the drainage district is located or the county circuit court having jurisdiction of the proceedings in any drainage district located in more than one county.

SECTION 195. 88.01 (10) of the statutes is amended to read:

88.01 (10) "Judge" or "~~county judge~~" means the judge of the ~~county~~ circuit court having jurisdiction of the proceedings of any drainage district, or the person sitting for ~~such the~~ judge.

SECTION 196. 88.03 (1) of the statutes is amended to read:

88.03 (1) All proceedings under this chapter are equitable in nature. The ~~county~~ court shall at all times have supervision over the drainage board and may require the board to report on any matter connected with its duties or functions. The court may in any proceeding bring in new parties ~~upon such terms as are just with like effect~~ as if they were original parties to the proceeding.

SECTION 197. 88.05 (intro.) and (1) of the statutes are amended to read:

88.05 General rules applicable to notices of hearings. (intro.) ~~Whenever~~ If a hearing is required on a petition or report filed with the ~~county~~ court under this chapter, the following rules apply unless some different procedure is expressly provided:

(1) The order fixing the time and place of the hearing shall be made ~~either by the judge or~~ by the court.

SECTION 198. 88.07 (title) of the statutes is amended to read:

88.07 (title) General rules; drainage proceedings in court.

SECTION 199. 88.08 (1) of the statutes is amended to read:

88.08 (1) In all proceedings under this chapter involving a petition to the ~~county~~ court, the court shall by order tax the taxable costs of the proceeding. If costs are taxed against the drainage board, they shall not go against the board members personally but shall be paid out of the district funds or from funds received from the petitioners unless the court orders otherwise.

SECTION 200. 88.12 (1) and (2) of the statutes are amended to read:

88.12 (1) If a proposed drainage district lies in more than one county, the petition for organization of the district shall be filed in the ~~county~~ court of the county containing the largest acreage proposed for drainage by the petition, and the court and board of the county containing ~~such the~~ largest acreage has jurisdiction of the organization and operation of the drainage district.

(2) In cases affecting such a multicounty district, copies of all orders and judgments shall be filed in the ~~county~~ court of each of the other counties in which the drainage district is located. All moneys collected on behalf of the drainage district in ~~such the~~ other counties shall be transmitted to the treasurer of the county wherein the ~~county~~ court has jurisdiction.

SECTION 201. 88.14 (2) of the statutes is amended to read:

88.14 (2) If the board is unable to settle the controversy to the satisfaction of the persons involved, the board or any person who feels aggrieved may petition the ~~county~~ court to settle the controversy. The court shall order a hearing on the petition and may order the giving of such notice of the hearing as it deems necessary. After the hearing, the court shall enter an order disposing of the matter in such manner as it deems just and reasonable.

SECTION 202. 88.15 (2) of the statutes is amended to read:

88.15 (2) Any town drain in existence on June 13, 1964, may become a drainage district under this chapter upon the filing of a report with the ~~county~~ circuit court of the county in which the town drain or the greater portion thereof is located, and upon approval of ~~such the~~ report by the court. The court shall hold a hearing on ~~such the~~ report prior to approval thereof and shall order notice to be given as provided in s. 88.05 to the persons specified in s. 88.05 (4) (b). The court may modify the report as the facts warrant and may disapprove it if it is not amended to state facts sufficient to form the basis for the operation of a drainage district under this chapter.

SECTION 203. 88.16 (1), (2), (3) (f) and (5) of the statutes are amended to read:

88.16 (1) Any drainage district operating under ch. 89, 1961 ~~Statutes~~ stats., may elect to operate under this section commencing January 1, 1965. ~~Such election shall be made by presenting to the county court of the county in which the majority of the confirmed benefits of the district are located a petition for permission to operate under this section, signed by persons representing the majority of votes in the district as determined by sub. (3) (c). The petition must be filed prior to September 1, 1964. Upon receipt of the petition, the court or judge shall fix a time and place of hearing thereon and shall cause notice thereof to be given under s. 88.05 to the persons specified in s. 88.05 (4) (b) and also to the secretary of the district's board of drainage commissioners. If the court finds upon the hearing that the petition has the necessary signatures, it shall issue an order granting permission to the district to operate under this section. All other provisions of ch. 88 also apply to such district, except to the extent that they are modified by this section.~~

(2) A district which has been granted permission to operate under this section does not come under the jurisdiction of the county drainage board. Each such district shall have its own 3-member drainage board with all the powers and duties with respect to that district which the county drainage board otherwise would have. Prior drainage commissioners shall serve out their ~~present~~ terms, but the county treasurer shall serve as treasurer of ~~such the~~ district. After present terms have expired, appointments shall be made by the ~~circuit~~ court for 5-year terms unless the district decides to make appointments under sub. (4). ~~With regard to districts operating under this section, the terms "court" or "county court" or "judge" or "county judge" shall be construed to refer to the circuit court or circuit judge under whose jurisdiction the district is operating when those terms appear in other sections of this chapter.~~

(3) (f) Any person entitled to vote at a district meeting may appeal to ~~county the~~ court from any action taken by the majority. The appeal shall be in writing and shall state in general language the reason for the appeal, and shall be filed with the court within 10 days after the date when the action was taken by the district meeting. A copy of the notice of appeal shall, within the same time, be served personally on the secretary of the board.

(5) A district which has elected to operate under this section subsequently may elect to cease operating under this section by presenting to the ~~county~~ court a petition therefor, signed by persons representing the majority of votes in the district as determined by sub. (3) (c). Upon receipt of such a petition, the court ~~or judge~~ shall fix a time and place of hearing thereon and shall cause notice thereof to be given under s. 88.05 to the persons specified in s. 88.05 (4) (b) and also to the secretary of the district's drainage board. If the court finds upon the hearing that the petition has the necessary signatures, it shall issue an order abolishing the district's drainage board. Thereupon, the county drainage board has jurisdiction of the district and this section no longer applies. If there is no county drainage board in the county at the time, the court shall appoint one.

SECTION 204. 88.17 (1) of the statutes is amended to read:

88.17 (1) Upon the filing of a petition for organization of a drainage district under this chapter in a county which does not already have a drainage board, the ~~county~~ court shall appoint a drainage board. ~~Such The~~ board shall consist of 3 competent persons, all of whom are resident landowners of ~~such the~~ county. At least one of the members preferably shall be an experienced farmer who is familiar with drainage and another of the members shall be familiar to some extent with drainage engineering, if ~~such the~~ person is available. The members shall be appointed from among persons recommended by the committee on agriculture created ~~pursuant to under~~ s. 59.87 (2), which committee shall recommend at least 3 persons for each position to be filled.

SECTION 205. 88.28 (1) (intro.) of the statutes is amended to read:

88.28 (1) (intro.) A petition for organization of a drainage district shall be filed with the ~~county~~ court and shall set forth:

SECTION 206. 88.34 (2) of the statutes, as affected by chapter 135, laws of 1977, is amended to read:

88.34 (2) The order fixing ~~such the~~ hearing may be in substantially the following form and a copy of ~~such the~~ order may be served as notice of ~~such the~~ hearing: "County Circuit court for county, In the matter of the drainage.

Whereas a report has been filed in this court by the county drainage board recommending the drainage of the following described lands: (here describe the lands reported for drainage).

It is ordered that ~~said the~~ report be heard and examined before this court on the day of, 19, at o'clock M. at the (here state the place of hearing) at which time and place all interested persons may appear and be heard. All objections must be in writing and comply with s. 88.07 (1).

Dated

.....
County Circuit Judge"

SECTION 207. 88.47 (2) of the statutes is amended to read:

88.47 (2) If the owner of any of the lands affected is dissatisfied with the manner in which the board apportioned the assessments, ~~he the~~ owner may, within 30 days after the board's decision, file with the board a written request that the matter be determined by the ~~county~~ court. Thereupon the board shall report the facts to the court. The court shall order a hearing on the report and may order the giving of such notice of the hearing as it deems necessary. After the hearing, the court shall enter an order disposing of the matter in such manner as it deems just and reasonable.

SECTION 208. 88.81 (1) of the statutes is amended to read:

88.81 (1) ~~Whenever~~ If the owners of land representing a majority of the confirmed benefits in a drainage district file with the ~~county~~ court a petition requesting that no further proceedings be had and that no further expense be caused against ~~such the~~ district, the court ~~or judge~~ shall fix a time and place of hearing thereon and shall cause notice thereof to be given under s. 88.05 to the persons specified in s. 88.05 (4) (b).

SECTION 209. 88.89 (2) of the statutes is amended to read:

88.89 (2) The drainage board or the owner of any land upon which water is set back or diverted by the obstruction mentioned in sub. (1) may serve notice upon the owner or maintainer of ~~such the~~ embankment, grade, culvert or bridge to enlarge the opening for the waterway or to make new openings so as to permit the water to pass without being set back or diverted onto the lands of the district. If the owner of or person maintaining ~~such the~~ embankment, grade, culvert or bridge fails to comply with the directive of ~~such the~~ notice within 60 days after the service thereof, the drainage board or injured landowner may report the facts to the ~~county~~ court and petition the court to order ~~such the~~ owner or maintainer to enlarge the waterway or to provide new openings through the embankment or grade.

SECTION 210. 107.03 of the statutes is amended to read:

107.03 Conflicting claims. In case of conflicting claims to a crevice or range bearing ores or minerals the court may continue any action to enforce a claim or grant any necessary time for the purpose of allowing parties to prove up their mines or diggings if it ~~shall be made~~ satisfactorily to ~~appear~~ appears necessary to the ends of justice; ~~and in.~~ In such case the court or judge ~~in term or vacation~~ may appoint a receiver and provide that the mines or diggings ~~shall~~ be worked under the receiver's direction, subject to the order of the court, in such manner as ~~will best tend to ascertain best~~ ascertains the respective rights of the parties; ~~and the.~~ The ores or minerals raised by either party pending the dispute shall be delivered to the receiver, who may, by order of the court or judge, pay any rent or other necessary expenses therefrom.

SECTION 211. 107.04 of the statutes is amended to read:

107.04 Lessee's fraud; failure to work mine. Any miner who conceals or disposes of any ores or minerals or mines or diggings for the purpose of defrauding ~~his~~ the lessor of ~~his~~ rent or who neglects to pay any rent on ores or minerals raised by ~~him~~ the miner for 3 days after the notice thereof and claim of ~~such~~ the rent, shall forfeit all right to ~~his~~ or her mines, diggings or range; and ~~his~~ the landlord after ~~such~~ the concealment or after 3 days have expired from the time of demanding rent, may proceed against ~~him~~ the miner to recover possession of the mines or diggings in county circuit court as in the case of a tenant holding over after the termination of ~~his~~ the lease. If a miner neglects to work ~~his~~ or her mines or diggings according to the usages of miners, without reasonable excuse, he ~~or she~~ shall likewise forfeit ~~his~~ the mines or diggings and ~~his~~ the landlord may proceed against ~~him~~ the miner in like manner to recover possession of the ~~same~~ mines or diggings.

SECTION 212. 108.23 of the statutes is amended to read:

108.23 Preference of required payments. In the event of an employer's dissolution, reorganization, bankruptcy, receivership, assignment for benefit of creditors, judicially confirmed extension proposal or composition, or any analogous situation including the administration of estates in circuit courts of ~~probate~~, the payments required of the employer under this chapter shall have preference over all claims of general creditors and shall be paid next after the payment of preferred claims for wages. ~~Provided, however, that if~~ If the employer is indebted to the federal government for taxes due under the federal unemployment tax act and a claim for ~~such~~ the taxes has been duly filed, the amount of contributions which should be paid to allow the employer the maximum offset against ~~such~~ the taxes shall have preference over preferred claims for wages and shall be on a par with debts due the United States, if by establishing ~~such~~ the preference the offset against the federal tax can be secured under s. 3302 (a) (3) of the federal unemployment tax act.

SECTION 213. 111.70 (4) (jm) 11 of the statutes is amended to read:

111.70 (4) (jm) 11. Within 60 days of the arbitrator's decision, either party may petition the circuit court for ~~Dane~~ Milwaukee county to set aside or enforce the arbitrator's decision. If the decision was within the subject matter jurisdiction of the arbitrator as set forth in subd. 4, the court must enforce the decision, unless the court finds by a clear preponderance of the evidence that the decision was procured by fraud, bribery or collusion. The court may not review the sufficiency of the evidence supporting the arbitrator's determination of the terms of the agreement.

SECTION 214. 112.10 (7) (b) of the statutes is amended to read:

112.10 (7) (b) If written consent of the donor cannot be obtained by reason of death, disability, unavailability, or impossibility of identification, the governing board may apply in the name of the institution to the ~~county~~ or circuit court for release of a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund. The attorney general shall be notified of the application and shall be given an opportunity to be heard. If the court finds that the restriction is obsolete, inappropriate, or impracticable, it may by order release the restriction in whole or in part. A release under this paragraph may not change an endowment fund to a fund that is not an endowment fund.

SECTION 215. 114.135 (2) of the statutes is amended to read:

114.135 (2) NOTICE; CLAIM FOR DAMAGES. In case of any airport landing field or landing and take-off strip owned by any city, village, town or county or any union of them, the commission or other body in charge of the operation and control of ~~said~~ the airport, landing field or landing and take-off strip may prepare and file without charge with the register of deeds plans and specifications showing the protection privileges sought as described in ~~subsection~~ sub. (1). The commission or other body in charge shall send by registered mail with return receipt to each owner at his ~~or her~~ last-known address a notice stating that ~~said~~ the plans and specifications have been filed with the register of deeds' office, stating the county, time of filing, the file number, and a brief description of the parcel of land or interest therein affected. ~~In case~~ If the address of

the owner cannot be ascertained or the registered letter is returned unclaimed, notice shall be sent by registered mail to the person in possession of the premises, ~~and if~~ If no person is in possession, then the notice shall be posted in a conspicuous place on the land involved and published as a class 3 notice, under ch. 985, in the area affected. The right of the owner ~~or owners~~ to claim for damages for the protection regulations imposed in the plans and specifications, or the removal of obstructions shall be forever barred, unless the owner ~~shall file~~ files a claim for damages with the commission or other body in charge within 6 months from the receipt of the notice from the commission, or other body in charge, or the posting and last publication. The claim shall be verified and shall state the amount of damages claimed. The commission or other body in charge may pay the damages, if it has available funds, and the payment shall operate as a conveyance. If no claims for payment are filed or if payment is made, the commission or other body in charge shall file an affidavit for each parcel involved setting forth the rights acquired which shall be recorded by the register of deeds without charge and when so recorded ~~shall have~~ has the same effect as any duly recorded instrument. ~~In case~~ If any owner ~~shall be~~ is a minor or ~~non compos mentis incompetent~~, the notice may be sent by registered mail to ~~his~~ the owner's guardian, if he ~~or she~~ has one, and if ~~he has~~ there is none the ~~county circuit~~ court of the county in which the land, or a larger part, is located shall upon application of the commission or other body in charge appoint a guardian to receive ~~said~~ the notice, and to protect the rights of the ~~said minor or non compos mentis~~ the owner. Any funds payable to ~~said minor or non compos mentis~~, the owner shall be cared for in the manner provided in ch. 880. If the commission or other body in charge ~~shall deem~~ determines that the damages claimed ~~to be~~ are excessive, it shall so report to the governing body or bodies which established the airport, landing field or landing and take-off strip in question and with its consent may acquire in the name of ~~said~~ the governmental body or bodies the protection privilege desired in the manner set forth in sub. (1) or ~~in the alternative~~, it may deposit with the county clerk an award and notify the owner ~~or owners~~ of the land involved in the method ~~above~~ specified in this subsection. The ~~land owner or owners~~ landowner may accept the award without prejudice to his ~~or her~~ right to claim and contest for a greater sum. The ~~land owner~~ landowner may, within a period of 6 months after notice of the award, proceed as provided in ch. 32 to have ~~his~~ the damages appraised.

SECTION 216. 115.54 of the statutes is amended to read:

115.54 Compulsory education. If it appears, by affidavit, to any ~~county circuit~~ judge that any blind or deaf child between the ages of 6 and 21 is deprived of a suitable education by the failure of the person having the care and custody of the child to provide a suitable education, the judge shall order ~~such~~ the person to bring the child before ~~him~~ the judge. If the material allegations of the affidavit are denied, ~~he~~ the judge shall subpoena witnesses and hear testimony. If the allegations are admitted or established, the judge may order the child sent to the school for the visually handicapped or for the deaf or to some class or other school for instruction, but the order shall not make a direct charge for the class or school against any county.

SECTION 217. 115.81 (8) of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

115.81 (8) APPEAL TO COURT. Within 30 days after the decision of the state superintendent, the parent may appeal the decision to the ~~juvenile circuit~~ court ~~of~~ for the county in which the child resides.

SECTION 218. 128.01 of the statutes is amended to read:

128.01 Jurisdiction. The circuit ~~and county~~ courts shall have supervision of proceedings under this chapter and may make all necessary orders and judgments therefor; and all assignments for the benefit of creditors shall be subject to this chapter.

SECTION 219. 130.065 (4) of the statutes is amended to read:

130.065 (4) FEE AND BOND. Before being entitled to a license under this section, the applicant shall pay to the village, city or county clerk a license fee of \$100 per day. The applicant shall in addition post a corporate surety bond with the clerk in the sum of \$2,000 with surety to be approved by the ~~county judge clerk~~, provided, that the aggregate liability of the surety for all ~~such the~~ losses shall in no event exceed the sum of ~~said the~~ bond. ~~Such The~~ bond shall be conditioned on the compliance with all laws and on compliance with all material oral or written statements and representations made by or in behalf of the merchant with reference to merchandise sold or offered for sale and on the faithful performance under all warranties made with reference thereto.

SECTION 220. 133.07 (2) of the statutes is amended to read:

133.07 (2) No restraining order or injunction ~~shall~~ may be granted by any court of this state, in any case between an employer and employes, ~~or~~ between employers and employes, ~~or~~ between employes, or between persons employed and persons seeking employment, involving or growing out of any dispute whatsoever concerning employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and ~~such the~~ property or property right must be described with particularity in the application, which must be in writing and sworn to be the applicant, or by ~~his the applicant's~~ agent or attorney. No such restraining order or injunction ~~shall~~ may be granted except by the circuit court ~~or by a court of concurrent jurisdiction in equity~~, and then only upon such reasonable notice of application therefor as a ~~presiding judge of such the~~ court ~~may direct~~ directs by order to show cause, but in no case less than ~~forty-eight~~ 48 hours, which shall be served upon ~~such the~~ party or parties sought to be restrained or enjoined as shall be specified in ~~such the~~ order to show cause.

SECTION 221. 137.01 (1) (d) of the statutes is amended to read:

137.01 (1) (d) Qualified applicants shall be notified by the secretary of state to take and file the official oath and execute and file an official bond in the sum of \$500, with surety to be approved by the ~~county judge or~~ clerk of the circuit court ~~of~~ for his ~~or her~~ county, or, ~~when~~ if executed by a surety company, approved by the secretary of state.

SECTION 222. 142.01 (1) of the statutes, as affected by chapters 29 and 83, laws of 1977, is amended to read:

142.01 (1) A person having a legal settlement in any county in this state or a state dependent under s. 49.04 who is physically disabled or ailing and whose condition can probably be remedied or advantageously treated, if he or she or the person liable for his or her support is financially unable to provide proper treatment, may be treated at the university of Wisconsin general hospital at Madison and clinics or in such other hospital or rehabilitation camp as the county ~~judge~~ director of public welfare directs, except that when the person to be treated, or his or her guardian if he or she is under guardianship, selects that such treatment be at the university of Wisconsin general hospital and clinics or rehabilitation camp, the hospital or rehabilitation camp of his or her selection shall be the place of treatment. The right of such selection shall not exist in counties having a population of 500,000 or more. The right of treatment at university of Wisconsin general hospital and clinics shall not exist for persons whose annual family incomes and economic resources are in excess of medical assistance limitations for the medically needy under s. 49.47 (4) (b) and (c), unless in the opinion of the county ~~judge~~ director of public welfare special circumstances exist to warrant an exception. If the family income is in excess and, in the opinion of the ~~county judge~~ director, special circumstances do not exist, the person shall have the right of treatment at university of Wisconsin general hospital and clinics after the person has incurred or expended at least ~~one-half~~ 50% of the excess income for medical care or for any other type of remedial care recognized under the state law, or for personal health insurance premiums, or both. The ~~county judge~~ director shall inform the hospital of the amount of the family's annual excess income as determined by the ~~judge~~ director. The hospital shall collect ~~one-half~~ 50% of the amount of the

annual excess income from the patient. The hospital shall submit a bill to the state for the amount over and above ~~one-half~~ 50% of the amount determined as annual excess income.

SECTION 223. 142.01 (3) of the statutes is amended to read:

142.01 (3) A person who is a recipient of categorical aids under ch. 49 may be ~~committed to placed in the university of Wisconsin~~ general hospital and clinics by the county ~~judge~~ director of public welfare, and ~~such the~~ costs as may accrue thereby shall be shared as provided in s. 142.08.

SECTION 224. 142.02 of the statutes is amended to read:

142.02 Application. When ~~the case of such person comes to the notice of~~ a sheriff, county supervisor, town clerk, health officer, health nurse, poor commissioner, ~~policeman~~ police officer, physician or surgeon, or any public official, ~~he knows of a person whose condition is described in s. 142.01 (1), he or she shall and any teacher, priest or minister may, file with the county judge~~ director of public welfare of the county ~~wherein such where the~~ afflicted person has a legal settlement, or if he ~~or she~~ has no legal settlement, then with the county ~~judge~~ director of public welfare of the county where he ~~or she~~ resides or is found, an application for ~~such the~~ treatment at ~~such the~~ hospital.

SECTION 225. 142.03 (1) of the statutes, as affected by chapters 29 and 83, laws of 1977, is amended to read:

142.03 (1) The application shall contain a full statement of the financial situation of the person including a determination of the person's eligibility for medical assistance under s. 49.45, and a general statement of his or her physical condition, and shall be verified. The county ~~judge~~ director of public welfare, or any person he or she designates, shall make investigation and the supervisor for the district containing the town, village or ward of the legal settlement or if none, the residence of the person, or where found, shall supply to the ~~county judge~~ director, on request, all material information within his or her knowledge and no compensation or expense ~~shall may~~ be paid or allowed by the county to any supervisor supplying ~~such the~~ material information. ~~Whenever~~ If an application is submitted to a ~~county judge~~ director for hospitalization of a physically disabled child under s. 142.02, the ~~judge~~ director shall submit a request for approval on blanks, supplied for the purpose, to the division for handicapped children of the department of public instruction. The division for handicapped children shall report its approval of the request to the ~~county judge~~ director and to the university of Wisconsin general hospital and clinics. It shall also send notice to the ~~county judge~~ director as to when the hospital can admit the child.

SECTION 226. 142.03 (2) of the statutes, as affected by chapters 83 and 273, laws of 1977, is amended to read:

142.03 (2) The ~~judge~~ county director of public welfare, if satisfied that the required facts exist, shall appoint a physician personally to examine the person. The physician shall make a verified report in writing, within such time as the ~~county judge~~ shall direct ~~director establishes~~, setting forth the nature and history of the case, and such other information as will be likely to aid in its treatment, and giving the physician's opinion whether the condition of the person can probably be remedied, or should be treated, at a hospital, and whether the person can receive adequate treatment in the county, at home or in a hospital, and any information within the knowledge of the physician relative to the person's financial situation. The physician shall be paid \$5 by the county, ~~\$5~~, and actual and necessary expenses. In the case of a physically disabled person for whom recommendation has been made for hospital treatment, by a recognized orthopedic surgeon, ~~such the~~ recommendation may be accepted by the ~~county judge~~ director as a reason for commitment of the physically disabled person to the designated or selected hospital.

SECTION 227. 142.04 (1) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

142.04 (1) If the county ~~judge~~ director of public welfare is satisfied that the required facts exist and that the person should be treated at the university of Wisconsin general hospital and clinics, or if the person to be treated, or ~~his~~ the guardian if ~~he~~ the person is under guardianship, selects ~~said~~ the hospital as the place of treatment, ~~he~~ the director shall so find and enter an order so directing except as provided in s. 142.01 (2). If ~~he find~~ the director finds the required facts and that the person can receive adequate treatment at home or in a hospital, at the same or less expense to the county, and the person to be treated does not make the selection ~~aforesaid~~, ~~he~~ the director shall enter an order directing ~~such~~ the treatment, the place thereof, and the physician or physicians. If the ~~county judge~~ director is not so satisfied, ~~he or she~~ may make further investigation. If the ~~county judge~~ director does not find the required facts, ~~he or she~~ shall enter an order denying the application. If the ~~county judge~~ director denies the application of a child under 21 years, applying for care at the Wisconsin general hospital, ~~he or she~~ shall report ~~his~~ the findings to the division for handicapped children of the department of public instruction. Upon granting the application, ~~he or she~~ shall ascertain from the superintendent of the hospital whether the person can be received as a patient, and if ~~he can~~ the county judge so the director shall certify ~~his~~ the order to the hospital and to the county clerk and in addition, if a state dependent, to the department. The procedure for admission of children under 21 years into the hospital is governed by s. 142.03 (1). ~~No county which has not been charged under the quota by January 1, 1960 shall be charged for any care provided under this section from 1952 to 1959 in excess of the quota.~~

SECTION 228. 142.05 (1) and (2) of the statutes are amended to read:

142.05 (1) If the patient is unable to bear ~~his~~ the expense to the place of treatment, and the county ~~judge shall so order~~ director of public welfare so orders, the county treasurer shall advance to the patient the necessary transportation and expenses out of the county treasury. Likewise, upon the patient's discharge from the place of treatment, the ~~county judge~~ director may order transportation and expenses for the patient's return to his ~~or her~~ residence. If the patient is unable to travel alone to the place of treatment, the ~~county judge~~ director may appoint a suitable person to accompany ~~him~~ the person, and ~~such~~ the person shall receive actual and necessary expenses, and, if not a salaried officer, a per diem of \$3 per day going and returning; and the same shall be paid by the county.

(2) If at the time of commitment the ~~county judge~~ director is satisfied that the patient is unable to bear the expense of returning to his ~~or her~~ residence or that ~~he~~ the patient will not be able to return alone, ~~he~~ the director may authorize the hospital to pay ~~such~~ the transportation and expense and may appoint a suitable person to accompany the patient and authorize the hospital to pay the actual and necessary expenses of ~~such~~ the person and the per diem provided for in ~~subsection sub.~~ (1). Any hospital making ~~such~~ the payments shall be reimbursed by the county.

SECTION 229. 142.06 of the statutes is amended to read:

142.06 Discharge of patients. When the superintendent of the hospital or the attending physician is of the opinion that a county or state dependent patient is cured, or no longer needs treatment, or cannot benefit thereby, ~~he or she~~ shall discharge the patient. The county ~~judge~~ director of public welfare in case of treatment in the county may discharge the patient ~~whenever he is~~ if satisfied as to ~~said~~ the facts. If the patient is unable to travel alone, and provision therefor has not been made under s. 142.05, the superintendent or physician shall notify the ~~county judge~~ director who shall appoint some suitable person to bring the patient back. ~~Such~~ The person shall receive expenses and compensation as provided in s. 142.05.

SECTION 230. 142.07 (2) of the statutes is amended to read:

142.07 (2) APPLICATION OF CHARGES. (a) Payments made by patients shall be credited to their ~~account~~ accounts. A patient may be admitted to the university of Wisconsin general hospital and clinics without certificate, but the cost of his ~~or her~~ care shall not be a joint charge against the state and county wherein ~~he~~ the patient has a legal settlement or residence or was found, except when ~~such~~ the patient is admitted

in an emergency pending action of the county ~~judge~~ director of public welfare. If the ~~county judge~~ director grants the application, the charge against the state and ~~such the~~ county shall date from ~~his the~~ admission. An emergency shall include cases where, by reason of unforeseen physical conditions, a patient is detained in the hospital longer than anticipated and is thereby financially unable to bear the expense of treatment.

(b) If the parent or guardian of a patient at the hospital is able to pay the cost of hospitalization, ~~he the patient~~ may be admitted without certificate, but the cost of ~~his the patient's~~ care shall not be a joint charge against the state and county wherein ~~he the patient~~ has a legal settlement or residence or was found. In an emergency a patient may be admitted to the hospital without a certificate pending action by the county ~~judge~~ director of public welfare and of the division for handicapped children of the department of public instruction. ~~When~~ If the ~~county judge~~ director certifies the application which has been approved by the division for handicapped children, the charge against the state and the county shall date from ~~his the~~ admission. ~~For the purpose of~~ In this paragraph, an emergency case is one in which the physician in charge of the child believes that a delay in treatment is contrary to the best interests of the child. ~~When~~ If it is not possible to obtain a report from the physician in charge of the child, an emergency may be determined by the physician in charge of admissions at the hospital.

SECTION 231. 142.07 (3) of the statutes is amended to read:

142.07 (3) INDIAN CHILDREN. Indian children whose hospital care is to be paid from funds granted the office of Indian affairs, ~~United States U.S.~~ department of interior, shall be admitted to the university of Wisconsin general hospital and clinics at the same rates as are charged for children hospitalized through application to the county ~~judge~~ director of public welfare. The procedure for admission of ~~such the~~ Indian children shall be identical to the procedure for children admitted to the hospital upon application to the county ~~judge~~ director of public welfare.

SECTION 232. 142.08 (1m) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

142.08 (1m) One-half of the net cost of caring for a patient certified to the hospital shall be paid by the state and one-half by the county of his or her legal settlement or of which he or she is a county-at-large charge. The cost of caring for a state dependent person shall be borne wholly by the state. At the time that the application for admittance of a patient to the hospital is submitted to the division for handicapped children, the county ~~judge~~ director of public welfare shall include a statement regarding the financial status of the parents or guardian and an agreement signed by the parents or guardian as to the amount of money which the parents or guardian will contribute toward the child's care in the hospital. All money so collected by the ~~county judge~~ director or the hospital from parents or guardians shall be credited to the patient's account with the hospital. Financial arrangements for hospital care of children admitted by the ~~county judge~~ director shall be made with parents or guardians of ~~such the~~ children only by the ~~county judge~~ director, or by an agent designated by him or her, or by the division for handicapped children of the department of public instruction, with the knowledge of the ~~county judge~~ director.

SECTION 233. 157.03 (6) (c) of the statutes is amended to read:

157.03 (6) (c) If an association is dissolved under par. (a) or any group has never been properly organized as cemetery association, and there are fewer than 5 members living or residing in the county where the cemetery is located, ~~the county circuit judge of such for the~~ county shall upon the petition of any person interested, make an order determining who are persons interested in ~~said the~~ cemetery. Any adult person who owns an interest in any lot in ~~said the~~ cemetery, who is related to any person buried in ~~said the~~ cemetery, or who is a descendant, brother, sister, nephew, niece or surviving spouse of a member of the dissolved association, is an interested person. The ~~county circuit~~ judge may make ~~such the~~ order upon evidence ~~he or she~~ deems sufficient, with or without hearing. The order need not contain the names of all persons interested, but shall contain the names of at least 5 such persons.

SECTION 234. 157.11 (9) (d) of the statutes is amended to read:

157.11 (9) (d) The officer in charge of the gifts shall on the first secular day in January of each year make written report to the county ~~judge~~ treasurer showing in detail the amount of money and value of property received and its disposition. The ~~judge~~ treasurer shall audit the accounts and examine investments and securities. Whenever, from his ~~or her~~ examination or audit of any report required by this section, the county ~~judge~~ treasurer has reason to believe that any officer or trustee of any association or perpetual care fund ~~has~~ failed to comply with the laws of this state or ~~has~~ misappropriated or improperly invested any perpetual care funds, ~~he~~ the treasurer shall transmit ~~his~~ the information and the reports of the cemetery association to the district attorney who shall conduct an investigation and take appropriate action.

SECTION 235. 157.12 (1) (b) of the statutes is amended to read:

157.12 (1) (b) There shall be established and maintained a fund for the perpetual care and maintenance of ~~said the~~ public mausoleum or columbarium in such sum as is fixed by the department of health and social services, but which shall ~~in no case not~~ be less than 25% of the cost of ~~said the~~ structures. ~~Said The~~ fund shall be accumulated and established by applying thereto at least 25% of all proceeds received from sales of mausoleum rooms or crypts and columbarium niches, until ~~said the~~ perpetual care fund has been accumulated, except a building or structure now constructed, in which ~~said the~~ public or community mausoleum or columbarium is located or contained, is covered by a perpetual care fund of the cemetery in which it is located and ~~such the~~ perpetual care fund shall be made up of at least 15% of the proceeds received by the cemetery from the sale of cemetery lots. Then, in such an event, the perpetual care fund for the public or community mausoleum or columbarium itself shall not exceed 10% of the cost of the construction of ~~said the~~ public or community mausoleum or columbarium. The custodian or depository of ~~said the~~ fund shall be the treasurer of the agency owning and operating the cemetery in which ~~said the~~ public mausoleum or columbarium is located, ~~who~~. The treasurer of the agency shall furnish and file with ~~said the~~ agency, and at its expense, a bond in such sum and with surety or sureties approved by the county ~~court clerk~~, indemnifying and securing ~~said the~~ agency against loss occasioned by the failure of ~~said the~~ treasurer to properly protect, preserve and administer ~~said the~~ fund, except where, by the terms of sale of ~~said the~~ mausoleum rooms or crypts and columbarium niches, it is provided that the purchaser ~~thereof~~ shall pay directly to any trust company in the state, designated by the cemetery as the custodian of the perpetual care fund for ~~said the~~ public or community mausoleum or columbarium. Then, in such an event, it shall not be necessary for the treasurer of the agency owning and operating the cemetery to furnish and file the bond required by this section. ~~Said The~~ fund shall be invested by ~~said the~~ treasurer upon the written order of the department of health and social services, as provided in ch. 881, and the income therefrom used solely for the preservation and maintenance of ~~said the~~ public mausoleum or columbarium, which shall be paid out or expended by ~~said the~~ treasurer only upon the written order of ~~said the~~ department.

SECTION 236. 170.04 of the statutes is amended to read:

170.04 Charges for keeping. The owner or person entitled to the possession of the stray at any time within one year after the notice is filed with the town clerk may have the stray restored to him ~~or her~~ upon proving his ~~or her~~ right ~~thereto to the stray~~ and paying all lawful charges ~~incurred in relation to the stray~~. If the claimant and the finder cannot agree as to the amount of the charges or upon what should be allowed for the use of ~~such the~~ stray either party, on notice to the other, may apply to the chairman of the town to settle the ~~same~~ dispute, who for that purpose may examine witnesses on oath. If any amount is found due the finder, over the value of the use of the stray, the ~~same amount~~, with the costs, shall be a lien upon the stray and costs of the adjudication shall abide the decision of the town chairman. If either party refuses to accept the decision of the town chairman, action may be brought in ~~county circuit~~ court.

SECTION 237. 171.04 (1) of the statutes is amended to read:

171.04 (1) If any property delivered to any forwarding merchant, wharfinger or ~~warehouseman~~ warehouse keeper, for carriage or storage, is in a state of decay, or manifestly liable to immediate damage and decay, the person in whose custody the property is, ~~his~~ the person's agent or attorney, may make an affidavit of this fact, and present the ~~same affidavit~~ to a circuit judge, ~~county judge~~ or court commissioner, ~~of~~ for the county in which ~~such~~ the property ~~shall then be~~ is located, and the circuit judge, ~~county judge~~ or court commissioner shall immediately make an order requiring the sheriff or any constable of the county to immediately inspect the property, and directing him or her, if it is found ~~by him~~ to be in a state of decay, or manifestly liable to immediate damage or decay, to summarily sell the ~~same~~ property without notice.

SECTION 238. 171.05 of the statutes is amended to read:

171.05 Perishable property, held otherwise, how disposed of. If any property is perishable or subject to decay by keeping, the person in whose custody the property is, ~~his~~ the person's agent or attorney, may make an affidavit of this fact and present the ~~same affidavit~~ to a circuit judge, ~~county judge~~ or court commissioner ~~of~~ for the county in which the property is located, and the judge or court commissioner shall immediately make an order requiring the sheriff or any constable of the county to immediately inspect the property, and if it is found ~~by him~~ to be perishable or subject to decay by keeping, to make and return an affidavit of this fact. Upon the return of this affidavit, the judge or commissioner making the order shall immediately issue an order requiring the sheriff or constable to sell the property at public auction, giving notice of the time and place of the sale by publication of a class 1 notice, under ch. 985, and serving upon the consignor, the consignee and the custodian of the property, if they are known, a copy of the notice by mail. The sheriff or constable shall, at the time and place fixed by the notice, unless the property has been otherwise lawfully disposed of, sell the property at public auction, and shall make full return of his or her execution of the order, and return the same with an inventory of the property and the proceeds of the sale, after deducting his or her fees, to the judge or commissioner making the order. From the proceeds of the sale, the judge or commissioner shall pay all legal charges that have been incurred in relation to the property, or a ratable proportion of each charge, if the proceeds of the sale are not sufficient to pay all the charges; and the balance, if any, ~~he~~ the judge or court commissioner shall immediately pay over to the treasurer of ~~his~~ the county, with a copy of all the proceedings in the matter. The county treasurer shall file the copy in his or her office. The person in whose custody the property is when the proceedings for the sale were commenced, shall immediately notify the consignor and consignee of the sale, in writing which shall be served by leaving a copy with the consignor and consignee personally or by mail.

SECTION 239. 227.05 (5) of the statutes is created to read:

227.05 (5) The joint committee for review of administrative rules shall be served with a copy of the petition in any action under this section and, with the approval of the joint committee on legislative organization, shall be made a party and be entitled to be heard.

SECTION 240. 230.08 (2) (n) of the statutes is created to read:

230.08 (2) (n) Court reporters employed by the circuit court.

SECTION 241. 230.12 (8) of the statutes, as affected by chapter 196, laws of 1977, is amended to read:

230.12 (8) EFFECTIVE DATE OF COMPENSATION ADJUSTMENTS. ~~Notwithstanding any other provision of the statutes~~ Except as provided in s. 20.923 (3), all compensation adjustments for state employes shall be effective on the beginning date of the pay period nearest the statutory or administrative date.

SECTION 242. 247.01 of the statutes is amended to read:

247.01 Jurisdiction. The ~~county courts~~ and circuit courts have jurisdiction of all actions affecting marriage and of all actions under s. 52.10 (or concurrent jurisdiction where other courts are vested with like jurisdiction), and have authority to do all acts and things necessary and proper in such actions and to carry their orders and

judgments into execution as ~~hereinafter~~ prescribed in this chapter. All such actions shall be commenced and conducted and the orders and judgments therein enforced according to these statutes in respect to actions in ~~courts of record~~ circuit court, as far as applicable, except as provided in this chapter and in s. 52.10. ~~Whenever any court is presiding in any such action affecting marriage it shall be known as the "Family Court Branch"~~.

SECTION 243. 247.081 (intro.) and (1) of the statutes, as affected by chapters 105 and 271, laws of 1977, are amended to read:

247.081 Counseling for marriage assessment, divorce and separation. (intro.) In every action for annulment, divorce or legal separation, the family court commissioner shall inform the parties of the availability of counseling for marriage assessment, divorce and separation and referral services offered by the family court commissioner or the ~~department of family court conciliation department~~. In this section, "counseling for marriage assessment, divorce and separation" means counseling to explore the possibility of reconciliation, to enable the parties to adjust to the status of being unmarried persons, to prepare the parties to live separate lives and to assist the parties in planning for the needs of their minor children, if any.

(1) In every action for divorce or legal separation, the family court commissioner shall require the petitioner and, if personally served within this state, the respondent to participate in ~~such the~~ counseling which shall be provided either through the commissioner's efforts or the efforts of a ~~department of family court conciliation department~~ if it exists or through referrals of the parties to a suitable counseling source, including a county mental health or guidance clinic, a member of the clergy, or, if there are minor children of the parties' marriage, a child welfare agency licensed under ss. 48.66 to 48.73. No person so consulted may disclose any statement made by either party without the consent of that party.

SECTION 244. 247.13 (title), (1) as affected by chapters 187, 273 and 323, laws of 1977, and (2) of the statutes are amended to read:

247.13 (title) Family court commissioner; appointment; powers; oaths; assistants. (1) (title) ~~COUNTIES OTHER THAN MILWAUKEE.~~ (a) (title) Appointment. In each county ~~of the state, except in counties a county~~ having a population of 500,000 or more, the circuit and county judges in and for such the county, subject to the approval of the chief judge of the judicial administrative district, shall, by order filed in the office of the clerk of the circuit court on or before the first Monday of July of each year, appoint some reputable attorney of recognized ability and standing at the bar as the family court commissioner (formerly divorce counsel) for such the county. Such

(b) (title) Powers; civil service; oath; temporary appointment; assistants. The family court commissioner shall, by virtue of the office and to the extent required for the performance of the duties, have has the powers of a court commissioner. Such The family court commissioner shall be is in addition to the maximum number of court commissioners permitted by s. 757.68. The office of the family court commissioner, or any assistant commissioner, may be placed under a county civil service system by resolution of the county board. Before entering upon the discharge of the duties such the family court commissioner shall take and file the official oath. The person so appointed shall continue to act until a successor is appointed and qualified, except that in the event of disability or extended absence said the judges may appoint another reputable attorney to act as temporary family court commissioner, and except that the, The county board may provide that one or more assistant family court commissioners shall be appointed by the circuit judges of for the county, subject to the approval of the chief judge of the judicial administrative district. Such assistants An assistant family court commissioner shall have the same qualifications as the commissioner and shall take and file the official oath.

(2) (title) ~~MILWAUKEE COUNTY.~~ (a) (title) Appointment; assistants; civil service. In counties having a population of 500,000 or more, there is created in the classified civil service the office of family court commissioner and such additional assistant family court commissioners as the county board shall determine and authorize, who

shall be appointed from the membership of the bar residing in ~~such the~~ county by the chief judge of ~~such county, pursuant to~~ of the judicial administrative district under ss. 63.01 to 63.17.

(b) (title) *Oath; powers; salary; unavailability; duties.* Before entering upon the performance of their duties, ~~such the~~ family court commissioner and assistant family court commissioners shall take and file the official oath. ~~Such The~~ family court commissioner and assistant family court commissioners shall, by virtue of their respective positions and to the extent required for the performance of their duties, each have the powers of a court commissioner. They shall receive such salary as may be fixed by the county board, shall perform their duties under the direction of the chief judge of ~~such county of the judicial administrative district~~ or a designee and shall be furnished with quarters and necessary office furnishings and supplies. The county board shall provide them their necessary stenographic and investigational service. When the family court commissioner is unavailable, any assistant family court commissioner shall perform all the duties and have all the powers of the family court commissioner as directed by the ~~latter commissioner~~ or by the chief judge of the judicial administrative district or ~~such~~ other judge as the chief judge may designate. In addition to the duties of ~~such the~~ family court commissioner ~~as defined in ch. 247 under this chapter,~~ the family court commissioner shall perform ~~such~~ other duties as the chief judge of the judicial administrative district, or ~~such~~ other judge as the chief judge may designate, directs.

SECTION 245. 247.13 (4) (title) of the statutes is created to read:

247.13 (4) (title) RETIRED JUDGES.

SECTION 246. 286.41 of the statutes is amended to read:

286.41 Receiver, appointment. If ~~such the~~ dissolution action is pending in the circuit ~~or county~~ court the receiver shall be appointed by the judgment or by an order founded ~~thereon on the judgment.~~ If it is pending in the court of appeals or supreme court then, upon the entry of a judgment of dissolution, the attorney general shall commence an action in the circuit ~~or county~~ court for the appointment of a receiver and the winding up of the affairs of the corporation; ~~and it.~~ The corporation shall be deemed to exist until a receiver ~~shall be~~ is invested with its property but shall not be able to do any act or thing other than to transfer its assets to ~~such the~~ receiver.

SECTION 247. 287.06 (1) of the statutes is amended to read:

287.06 (1) An executor or administrator may commence and prosecute an action and may prosecute any action commenced by his or her predecessor or decedent for the recovery of any claim or cause of action which survived and may have execution on any judgment. In ~~such the~~ action the defendant may set off any claim pleadable as a counterclaim which he or she may have against the decedent, instead of presenting it to the court. If judgment ~~shall be~~ is rendered in favor of the defendant the ~~same claim~~ shall be certified to the county circuit court, and paid as other claims allowed against the estate.

SECTION 248. 287.16 of the statutes is amended to read:

287.16 Foreign executors, empowered to act. When no executor or administrator has been appointed in this state, on the estate of any decedent not a resident of this state at the time of his or her death, a foreign executor or administrator thereof, upon filing his the original appointment or a certified copy thereof in any county circuit court in this state, may exercise any power over ~~such the~~ estate, including sales and assignments, and prosecute and defend any action and proceeding relating thereto and have all the remedies and defenses in regard to the property and to collect any demands of ~~such the~~ estate which an executor or administrator appointed in this state can have or exercise in relation thereto.

SECTION 249. 287.17 of the statutes is amended to read:

287.17 Actions against executors; when allowed; when not. ~~No action shall be commenced against an executor or administrator, excepting actions for the recovery of~~

~~specific property, or actions to establish, enforce or foreclose a lien on property, or to quiet title or remove a cloud on title, to construe wills, enforce the liability of stockholders, to avoid fraudulent conveyances, to pass the title to real property and other actions in which the county court in probate cannot afford a remedy as adequate, complete, prompt or efficient as the circuit or county court. Nor shall any No~~ attachment or execution may be issued against the estate of the decedent or the executor or administrator, until the expiration of the time limited for the payment of debts, except as provided in ss. 811.25 and 815.14.

SECTION 250. 287.19 of the statutes is amended to read:

287.19 Action against heirs and legatees; what may be recovered; costs. If an action mentioned in s. 287.18 is brought the plaintiff must show that he or she has been or will be unable, with due diligence, to collect his or her debt or some part thereof by proceedings in the ~~county circuit~~ court or from the personal representatives of the decedent. In that event, except as limited by s. 859.23, the plaintiff may recover the value of all the assets received by all the defendants if necessary to satisfy his or her demand, and the amount of the recovery shall be apportioned among the defendants in proportion to the value of the property received by each of them; and the costs of the action shall be apportioned in like manner; ~~but no.~~ No allowance or deduction ~~shall~~ may be made from ~~such the~~ amount on account of other heirs or legatees or devisees to whom assets have also been delivered or paid. The judgment shall express the amount recovered against each defendant for damages and costs.

SECTION 251. 288.19 of the statutes is amended to read:

288.19 Recovery of property forfeited to state. ~~Whenever~~ If property is forfeited to this state or to any officer for its use, an action for the recovery of ~~such the~~ property may be brought in ~~the circuit or county~~ court.

SECTION 252. 289.20 (1) of the statutes is amended to read:

289.20 (1) An action to enforce any lien under s. 289.18 may be brought in the circuit court of the county where the petition is filed, ~~when the amount claimed exceeds \$100, or before the county court of the county in which such petition is filed.~~ This claim shall cease to be a lien unless an action to foreclose it is commenced within 4 months after filing ~~such the~~ petition. If the claim is not due at the time of filing the petition the time when the ~~same claim~~ will become due shall be stated ~~therein in the petition,~~ and in this case the claim shall not cease to be a lien until 30 days after the claim has become due and until 4 months after the filing of the petition.

SECTION 253. 289.21 (1) of the statutes is amended to read:

289.21 (1) The plaintiff in this action may have ~~his~~ remedy by attachment of the property upon which the lien is claimed as in personal actions; this attachment may be issued, served and returned and like proceedings had thereon including the release of any attached property as in personal actions. The affidavit for the attachment must state that the defendant who is personally liable is indebted to ~~him~~ the plaintiff in the sum named, above all setoffs, for services which entitle the plaintiff to a lien, describe the property on which it is claimed that the services were performed and that the plaintiff has filed ~~his the~~ petition for a lien pursuant to law; ~~no.~~ No other fact need be stated. ~~No undertaking upon this attachment or security for costs in actions hereunder before county courts need be given unless upon application of some defendant showing by affidavit that he has a valid defense to the plaintiff's claim, and no No~~ order shall may be made by any court or any judge thereof requiring an undertaking or security for costs except upon 10 days' notice to the plaintiff.

SECTION 254. 289.58 (1) and (2) of the statutes are amended to read:

289.58 (1) The plaintiff in an action in ~~county circuit~~ court may attach the animal upon which the lien is claimed as in personal actions. The attachment may be issued, served and returned and like proceeding had thereon, including the release of any attached animal, upon giving an undertaking in the sum fixed by the court ~~or judge~~ for the payment of the amount which may be finally determined to be a lien on the animal. The affidavit for the attachment must state that the defendant who is

personally liable is indebted to plaintiff in the sum named, above all setoffs, for services performed which entitle the plaintiff to a lien, describe the animal on which it is claimed the services were performed and that the plaintiff has filed ~~his~~ the petition for a lien pursuant to law.

(2) No undertaking upon this attachment or security for costs in actions before ~~county circuit~~ courts need be given unless upon application of some defendant showing by affidavit that he ~~or she~~ has a valid defense to the plaintiff's claim, and no order ~~shall may~~ be made by any circuit court or any judge thereof requiring the giving of an undertaking or security for costs except upon 10 days' notice to the plaintiff. The writ of attachment shall direct the officer to whom it is issued to attach the animals described or so many ~~thereof~~ animals as are necessary to satisfy the sum claimed to be due thereon and to hold the ~~same~~ animals subject to further proceedings in the action.

SECTION 255. 289.70 (6) of the statutes is amended to read:

289.70 (6) When the corporation, described in sub. (1) ~~shall have~~ has so filed its claim for lien upon a lot it may foreclose the same by action in the circuit court ~~or any county court~~ having jurisdiction thereof, and ss. 289.09, 289.10, 289.11, 289.12 and 289.13 shall apply to proceedings undertaken for the enforcement and collection of maintenance liens as ~~herein~~ described in this subsection.

SECTION 256. 292.01 (3) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

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

SECTION 257. 292.03 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

292.03 Petition for writ. Application for 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, or circuit or county court, or to any court commissioner, within the county where the prisoner is detained; or if there is no judge within the county, or for any cause he or she is incapable of acting, or has refused to grant 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 under s. 974.06 and shall indicate the disposition of the motion and the court in which the disposition was made. If no motion was made, the petition shall so state.

SECTION 258. 293.03 (1) of the statutes is amended to read:

293.03 (1) Issues of fact in mandamus proceedings instituted in the supreme court shall be tried in the circuit court of the county within which the cause of action arose or in such other county as the supreme court, for cause shown, may order, and the circuit courts may try the issues of fact ~~in mandamus proceedings at a special or a general term~~ and may summon a jury for that purpose and prescribe the manner of summoning the ~~same~~ jury.

SECTION 259. 294.02 of the statutes is amended to read:

294.02 (title) How tried. Actions In actions of quo warranto and scire facias ~~shall be tried at special as well as at general terms of the circuit court, and, the court shall have power to may~~ summon a jury for ~~the purpose~~ and prescribe the manner of summoning the ~~same~~ jury.

SECTION 260. 294.07 of the statutes is amended to read:

294.07 Proceedings on motion to dismiss; continuance. In all such actions brought to determine the right to an office in the circuit courts, if the defendant moves to dismiss the complaint under s. 802.06 (2) the issue raised by ~~such~~ the motion shall have

preference upon the calendar and be tried before the other issues thereon; ~~if such.~~ If the motion is sustained the plaintiff or relator may amend the complaint within 24 hours; and if it. If the motion is overruled the defendant shall serve an answer to the complaint in like time within 24 hours unless, upon cause shown, further time therefor ~~shall be~~ is granted to either party by the court. The issue as finally made shall ~~stand for trial at the same term; and no be tried.~~ No continuance of any such cause shall may be granted upon the defendant's application unless the defendant shall show shows the absence of a witness or other testimony and the facts which the defendant expects to prove by such the witness or other testimony and they shall be are deemed material by the court. The plaintiff or relator may traverse or offer counterevidence to the facts set forth in such the application for a continuance.

SECTION 261. 295.04 of the statutes is amended to read:

295.04 (title) When court may act. The judge of any court of record ~~shall have the power to~~ may make findings of contempt, impose sanctions and carry out all contempt proceedings under this chapter regardless of whether the court is in session, in adjournment, ~~or between sessions or between terms.~~

SECTION 262. 296.01 of the statutes is amended to read:

296.01 Conveyance of lands held in trust by persons under disability. Whenever any minor or person incompetent to manage his ~~or her~~ or her affairs ~~shall be~~ is seized or possessed of any lands or interest ~~therein in any lands~~ therein in any lands by way of mortgage or in trust only for others, the circuit ~~or county~~ court of the proper county may, upon the petition of the guardian of ~~such the~~ such the minor or incompetent person or of any person in any way interested in ~~such the~~ such the real estate, make an order authorizing or compelling ~~such the~~ such the minor or incompetent person to convey and assure ~~such the~~ such the lands or interest ~~therein in the lands~~ therein in the lands to any person entitled thereto, in such manner as the court ~~shall direct~~ directs.

SECTION 263. 296.02 of the statutes is amended to read:

296.02 Specific performance of incompetent's contract. ~~The A circuit and county court shall have power to~~ may authorize or compel the specific performance of any contract made by any person who becomes incompetent before the performance thereof, on the complaint or petition of the guardian of ~~such the~~ such the incompetent person or of any other person interested in ~~such the~~ such the contract.

SECTION 264. 296.07 of the statutes is amended to read:

296.07 Realty of wards or incompetents; application for sale or encumbrance. The application for ~~such the~~ such the disposition must be made to the circuit ~~or county~~ court of the county in which ~~such the~~ such the real estate or some part thereof is situated ~~or to the presiding judge of either court,~~ or to the county circuit court ~~or presiding judge thereof~~ of the county in which the general guardian for ~~such the~~ such the minor or incompetent person has been appointed, by petition of the general guardian of the minor or of ~~such the~~ such the incompetent person or by any relative or other person in behalf of either. ~~Such The~~ Such petition must be verified and must set forth the facts which would authorize the selling, mortgaging or leasing of ~~such the~~ such the real estate or some part ~~thereof of the real estate~~ thereof of the real estate for one or more of the reasons set forth in s. 296.06. ~~Whenever~~ If the real estate sold or some part ~~thereof of the real estate~~ thereof of the real estate is situated in a county other than that in which the proceeding is taken, a certified copy of the order confirming the sale containing the name of the purchaser, the selling price, and a description of the property sold shall be recorded in the office of the register of deeds of the county in which ~~such the~~ such the real estate or any part ~~thereof of the real estate~~ thereof of the real estate is situated. When ~~said the~~ said the minor or incompetent person has a general guardian and the application is to any court other than the court in which ~~such the~~ such the general guardian was appointed, notice of hearing of ~~said the~~ said the application shall be given by mailing a copy of ~~such the~~ such the notice to the judge of the court that appointed ~~such the~~ such the general guardian, and also to the general guardian, unless he ~~or she~~ or she is the petitioner, at least 10 days before the date of the hearing.

SECTION 265. 296.08 (1) (a) and (2) of the statutes are amended to read:

296.08 (1) (a) When ~~such~~ the application is made on behalf of a minor or incompetent, who has no general guardian, the court ~~or presiding judge must~~ shall appoint some suitable person special guardian of ~~such~~ the minor or incompetent in the proceeding; ~~such~~ the special guardian shall give a bond to the judge of the court, to be filed ~~in the county court or~~ with the clerk of the circuit court, in such sum, with such sureties, and in such form as the ~~county or circuit court or judge shall direct~~ directs, conditioned for the faithful performance of the trust reposed, for paying over, investing or accounting for all moneys that shall be received by ~~such~~ the guardian, according to law and for observance of the directions of the court in relation to the ~~said~~ trust.

(2) When ~~such~~ the application is made on behalf of an incompetent person, the guardian of ~~such~~ the incompetent person shall, in the discretion of the court, give a bond to the judge of the court to be filed ~~in the county court or~~ with the clerk of the circuit court, in such sum, additional to the guardian's original bond, as the court ~~or judge may deem~~ deems necessary, with such sureties and such conditions for the faithful performance of trust reposed as ~~above~~ prescribed by this section.

SECTION 266. 296.15 of the statutes is amended to read:

296.15 Realty of wards, validity of the conveyance. Every deed, mortgage, lease or other conveyance made in good faith by the guardian of a minor or incompetent person, pursuant to any order or judgment of ~~the county or a~~ circuit court ~~or the presiding judge of either~~, made under the provisions of this chapter, shall be as valid and effectual as if made by ~~such~~ the minor when of full age or by ~~such~~ the incompetent person when of sound memory and understanding.

SECTION 267. 296.17 of the statutes is amended to read:

296.17 (title) Realty of wards, proceeds, how applied; accounts. (1) The court ~~or judge~~ shall make an order for the application and disposition of the proceeds of any such sale or mortgage, and of the income derived from the investment thereof and of the rent accruing upon any such lease, and direct the investment of any portion thereof belonging to ~~such~~ the minor or incompetent person which is not needed for the payment of debts or the immediate support of ~~himself the person and the person's~~ family, so as to secure the same for the benefit of ~~such~~ the minor or incompetent person, and shall direct a return of ~~such~~ the investment to be made on oath as soon as ~~may be possible~~, and shall require accounts to be rendered periodically by any guardian or other person who may be intrusted with the disposition of ~~such~~ the proceeds or the income thereof.

(2) ~~When such order is made by a circuit court or circuit judge a certified copy thereof, of the return of the investments made in pursuance thereof and of the accounts rendered by any guardian or other person shall be made by the clerk of said court and filed in the county court of the proper county. If any such a guardian or other person shall fail or neglect~~ fails or neglects to make a proper return or to render such accounts as the order of the circuit court ~~or judge thereof requires~~ such ~~the court or judge shall cause the proper county court to be informed of the fact and such court shall thereupon have the same authority to call~~ may find the guardian or other person ~~so in default to account, and the same procedure shall apply as if the entire proceedings were had in the county court.~~

SECTION 268. 296.25 (1) of the statutes is amended to read:

296.25 (1) ~~When any~~ If a minor or incompetent person residing ~~without~~ outside of this state ~~shall own~~ owns any right, title or interest in or to any real estate in this state and ~~shall have~~ has a guardian or conservator who ~~shall have~~ has been appointed in the state, territory or district or country where he ~~or she~~ resides and no guardian appointed in this state, the foreign guardian or conservator may file a copy of ~~his~~ the appointment, authenticated so as to make the same receivable in evidence, in the circuit ~~or county~~ court in for the county in which the real estate of ~~such~~ the infant or incompetent person is situated.

SECTION 269. 296.27 of the statutes is amended to read:

296.27 Future estates, application for sale. The application for ~~such the~~ disposition may be made to the circuit ~~or county~~ court ~~of for~~ the county in which ~~such the~~ real estate or some part or interest therein is situated, ~~or to the circuit judge in vacation,~~ by the verified petition of any one or more of the parties having any title to or interest in ~~said the~~ land. If any petitioners are minors, the petition shall be signed by their general guardian. ~~Such The~~ petition must set forth facts which would authorize the selling, mortgaging, leasing or otherwise disposing of ~~such the~~ real estate or some part thereof, or interest therein, for one or more of the reasons set forth in s. 296.06. ~~Such The~~ lands or interests therein shall be sold, mortgaged, leased or otherwise disposed of in such manner as will best promote the interests of those concerned, whether in being or not, and whether their interests are present or contingent. Notice of ~~such the~~ application shall be given to all parties having any title to or interest in ~~said the~~ lands, who are living at the time of ~~such the~~ petition, except those who have joined in the petition at least 10 days prior to the date of the hearing of ~~such the~~ application, by service of the same as provided in ch. 801 for the service of the summons in a civil action.

SECTION 270. 296.28 of the statutes is amended to read:

296.28 Future estates, sale, referee bond. Upon ~~such the~~ application being made, the ~~circuit~~ court ~~or circuit judge~~ must appoint some suitable person as referee, under whose direction the sale, mortgaging, leasing or other disposition of ~~said the~~ lands or interest shall be made, which referee shall give a bond to ~~the judge of the court in such amount, with such sureties and in such form as the court or circuit judge shall direct~~ directs, conditioned as provided in ~~section s.~~ 296.08. All proceedings had prior to June 7, 1913, under this chapter in county courts not having civil jurisdiction are hereby legalized.

SECTION 271. 296.29 of the statutes is amended to read:

296.29 Future estates, sale, examination and report. Upon the filing of ~~such the~~ bond, the ~~circuit~~ court ~~or the circuit judge~~ may proceed in a summary manner to inquire into the merits of ~~such the~~ application, or make an order directing the referee to inquire into and report upon the matters contained in ~~such the~~ petition, and ~~he or she~~ shall examine ~~into the truth of~~ the representations made, hear the parties interested in the property or otherwise interested in the application, and report thereupon with all convenient speed.

SECTION 272. 296.30 of the statutes is amended to read:

296.30 Future estates, order for disposition. If, after ~~such the~~ summary examination or on the coming in of the report of the referee, and on examination of the matter it shall satisfactorily appear that a sale, mortgage, lease or other disposition of the whole or any part of the ~~said~~ real estate or interest therein is necessary or proper, the ~~circuit~~ court ~~or the circuit judge~~ shall make an order directing the sale, mortgaging, leasing or other disposition of ~~such the~~ real estate or interest therein or of such part thereof as the court ~~or judge shall deem~~ deems proper to be made by the referee, in such manner and with such restrictions as ~~shall be~~ deemed expedient.

SECTION 273. 296.31 of the statutes is amended to read:

296.31 Future estates, approval of conveyance. No such sale, mortgage, lease or other disposition of ~~said the~~ property ~~shall may~~ be made until an agreement therefor ~~shall be is~~ entered into by ~~such the~~ referee, subject to the approval of the ~~circuit~~ court ~~or the circuit judge~~. Upon the confirmation of such agreement by ~~such the~~ court ~~or judge~~, the ~~said~~ referee must execute a deed, mortgage, lease or other instrument of conveyance as directed by the said order of confirmation.

SECTION 274. 296.32 of the statutes is amended to read:

296.32 Future estates, approved conveyance vests title. Every deed, mortgage, lease or other conveyance made in good faith by the referee pursuant to any order or judgment of the ~~circuit~~ court ~~or the circuit judge~~, made under ~~the provisions of sections ss.~~ 296.26 to 296.35 ~~shall be, is~~ valid and effectual to vest in the purchaser, mortgagee, lessee or other party under ~~such the~~ conveyance, a good and sufficient title

as against all persons having, or who may have, any title to or interest or estate in the ~~said~~ lands, whether in being or not, under or by virtue of the terms of any deed or other instrument, or under and by virtue of any last will and testament, and the court may require any or all parties who are living having any interest in ~~said the~~ lands to join ~~said the~~ referee in the execution of ~~said the~~ instrument of conveyance and release all their interests therein.

SECTION 275. 296.34 of the statutes is amended to read:

296.34 Future estates, proceeds placed in trust. The proceeds of the ~~said~~ sale, mortgage, lease or other conveyance of ~~said the~~ real estate, after payment under the direction of the circuit court ~~or the circuit judge~~ of the costs and expenses of the ~~said~~ proceedings, shall be paid to some designated trustee, and held, invested and disposed of in such manner and for such time as ~~shall be~~ designated by ~~said the~~ court, ~~or circuit judge~~, for the benefit of such ~~person or~~ persons as may be or become interested in ~~said the~~ lands or interests under and by virtue of ~~said the~~ deed or other instrument or ~~said the~~ will and testament, and the ~~said~~ proceeds, as well as the interest and income thereof, shall at all times abide the order of ~~said the~~ court.

SECTION 276. 296.36 of the statutes is amended to read:

296.36 Changing names, court procedure. Any resident of this state, whether a minor or ~~of full age~~ adult, may upon petition to the circuit court ~~or county court~~ of the county where he or she resides and upon filing a copy of the notice, with proof of the publication thereof, as required by s. 296.37, if no sufficient cause is shown to the contrary, have his or her name changed or established by order of the court. If the person whose name is to be changed is a minor under the age of 14 years, ~~such the~~ petition may be made by: ~~(a) Both both~~ parents, if living, or the survivor of them; ~~(b)~~ the guardian or person having legal custody of ~~such the~~ minor if both parents are dead or if the parental rights have been terminated by judicial proceedings; ~~(c) or~~ the mother, if the minor is born out of wedlock and not subsequently legitimated or adopted, except that the father must also make the petition unless his rights have been legally terminated. ~~Such The~~ order shall be entered at length upon the records of the court and a copy thereof, duly certified, shall be filed in the office of the register of deeds of ~~such the~~ county, who shall make an entry thereof in a book to be kept by ~~such the~~ register. The fee for filing and entering each such certified copy is \$1. If the person whose name is changed or established was born or married in this state, a copy of the record, duly certified, shall be sent by the clerk of court to the state registrar of vital statistics accompanied by the fee prescribed in s. 69.24, which fee the clerk of court shall charge to and collect from the petitioner. The state registrar shall then correct the birth record, marriage record or both, and direct the register of deeds and local registrar to make similar corrections on their records. No person engaged in the practice of any profession for which a license is required by the state ~~shall may~~ change his ~~Christian or her~~ given name or his or her surname to any other ~~Christian or~~ given name or any other surname than that under which ~~he the person~~ was originally licensed in ~~such the~~ profession in this or any other state, in any instance in which the state board or commission for the particular profession, after a hearing, finds that practicing under ~~such the~~ changed name operates to unfairly compete with another practitioner or misleads the public as to identity or otherwise results in detriment to the profession or the public. This prohibition against a change of name by a person engaged in the practice of any profession does not apply to any person legally qualified to teach in the public schools in this state, nor to a change of name resulting from marriage or divorce, nor to members of any profession for which there exists no state board or commission authorized to issue licenses or pass upon the qualifications of applicants or hear complaints respecting conduct of members of ~~such the~~ profession. Any change of name other than as authorized by law is void.

SECTION 277. 296.52 of the statutes is amended to read:

296.52 When sale not avoided. A sale of real estate by a guardian is not avoided by any irregularity in the proceedings if it appears that ~~he the guardian~~ was licensed to make the sale by the county circuit court having jurisdiction; that ~~he the guardian~~ gave

a bond which was approved by the ~~county~~ court before the sale if a bond was required; that ~~he the guardian~~ gave the notice of the time and place of sale as prescribed by law; that the premises were sold accordingly and the sale confirmed by the court, and that ~~they the premises~~ are held by one who purchased them in good faith.

SECTION 278. 298.04 (1) of the statutes is amended to read:

298.04 (1) If, in the agreement, provision is made for a method of naming or appointing an arbitrator or arbitrators or an umpire ~~such that~~ method shall be followed; ~~but if, If no method is provided therein in the agreement,~~ or if a method is provided and any party thereto fails to make use of ~~such the~~ method, or if for any other reason there is a lapse in the naming of an arbitrator or arbitrators or an umpire, or in filling a vacancy, then upon the application of either party to the controversy, the court ~~aforsaid specified in s. 298.02 or the circuit court in and~~ for the county in which the arbitration is to be held shall designate and appoint an arbitrator, arbitrators or umpire, as the case or sub. (2) may require, who shall act under the agreement with the same force and effect as if specifically named ~~therein in the agreement;~~ and, except as provided in sub. (2) or unless otherwise provided in the agreement, the arbitration shall be by a single arbitrator.

SECTION 279. 299.09 (2) of the statutes, as created by chapter 345, laws of 1977, is amended to read:

299.09 (2) Information regarding the existence, location and hours of the ~~county circuit~~ court's small claims system shall be disseminated and publicized throughout the county by the clerk of court.

SECTION 280. 299.20 (3) of the statutes is amended to read:

299.20 (3) IMPLADER, PROCEDURE WHEN GRANTED. If the court grants a motion to implead a ~~third 3rd~~ party, from that time the entire action may be tried ~~by circuit court using the procedure under chs. 801 to 847.~~

SECTION 281. 299.205 (1) of the statutes, as affected by chapter 135, laws of 1977, is amended to read:

299.205 (1) Any party to a small claims action or proceeding may file a written request with the clerk of courts for a substitution of a new judge for the judge assigned to the case. The written request shall be filed on the return date of the summons or within 10 days after the case is scheduled for trial. If a new judge is assigned to the trial of a case, a request for substitution must be made within 10 days of receipt of notice of assignment, provided that if the notice of assignment is received less than 10 days prior to trial, the request for substitution must be made within 24 hours of receipt of the notice and provided that if notification is received less than 24 hours prior to trial, the action shall proceed to trial only upon stipulation of the parties that the assigned judge may preside at the trial of the action. Upon filing the written request, the filing party shall forthwith mail a copy thereof to all parties to the action and to the original judge.

SECTION 282. 299.21 (3) (c), as affected by chapter 345, laws of 1977, and (4) of the statutes are amended to read:

299.21 (3) (c) The fee for a jury is \$24, plus an additional amount as suit tax which will result in a suit tax payment of the amount which would have been payable had the action been commenced ~~in circuit court under chs. 801 to 807~~ and additional clerk's fees of \$6.

(4) JURY PROCEDURE. If there is a demand for a trial by jury, the parties shall proceed as if the action had originally been begun as a proceeding under ~~Title XLIIA chs. 801 to 807;~~ the plaintiff shall, ~~when if~~ no complaint has previously been served and filed, accordingly file and serve a written complaint within 20 days of the jury demand, and the court shall place the case on the trial calendar ~~of the county court or forthwith transfer the case to circuit court for trial.~~

SECTION 283. 299.25 (7) of the statutes is amended to read:

299.25 (7) WITNESS FEES. Amounts necessarily paid out for witness fees, including travel, as prescribed in s. 885.05 ~~with respect to circuit court procedure~~. The fees for witnesses and their travel shall not exceed 50% of the amount recovered unless an order is entered specifying the amount to be paid in excess of 50% and the reasons therefor.

SECTION 284. 343.01 (2) (a) 4, and (d), as affected by chapter 29, laws of 1977, of the statutes are amended to read:

343.01 (2) (a) 4. A finding by a ~~juvenile~~ court assigned to exercise jurisdiction under ch. 48 of a violation of chs. 341 to 349 or a local ordinance enacted under ch. 349.

(d) "Record of conviction" means the report of conviction furnished to the department as required by this chapter, including a report of a forfeiture of deposit, stipulation of no contest, adjudication of ordinance violation or finding of a ~~juvenile~~ court assigned to exercise jurisdiction under ch. 48 as specified in par. (a).

SECTION 285. 345.26 (2) (a) of the statutes is amended to read:

345.26 (2) (a) The basic amount of the deposit for the alleged violation of a traffic regulation shall be determined in accordance with a deposit schedule which the ~~board of county judges~~ judicial conference shall establish. Annually, the ~~board~~ judicial conference shall review and may revise the schedule.

SECTION 286. 345.30 of the statutes is amended to read:

345.30 Jurisdiction. Jurisdiction over actions for violation of traffic regulations is conferred upon ~~any court of record which has criminal jurisdiction, but~~ circuit courts ~~shall not have original jurisdiction over traffic regulations~~. Municipal courts shall have jurisdiction over traffic regulations enacted in accordance with s. 349.06.

SECTION 287. 345.315 (1) of the statutes, as affected by chapters 135 and 305, laws of 1977, is amended to read:

345.315 (1) In traffic regulation cases a person charged with a violation may file a written request for a substitution of a new judge for the judge assigned to the trial of that case. The written request shall be filed not later than 7 days after the initial appearance in person or by an attorney. If a new judge is assigned to the trial of a case, a request for substitution must be made within 10 days of receipt of notice of assignment, provided that if the notice of assignment is received less than 10 days prior to trial, the request for substitution must be made within 24 hours of receipt of the notice and provided that if notification is received less than 24 hours prior to trial, the action shall proceed to trial only upon stipulation of the parties that the assigned judge may preside at the trial of the action. The judge against whom a request has been filed may set initial bail and accept a plea.

SECTION 288. 345.43 (1) (a) of the statutes, as affected by chapters 305 and 318, laws of 1977, is amended to read:

345.43 (1) (a) If a case has been transferred under s. 300.04 (1) (d) in a traffic regulation case, or if in ~~county circuit~~ court either party files a written demand for a jury trial within 10 days after the defendant enters a plea of not guilty under s. 345.34 and immediately pays the fees specified in par. (b), the court shall place the case on the jury calendar of the ~~county circuit~~ court ~~or shall forthwith transfer the case to circuit court for trial~~. The number of jurors shall be determined under s. ~~255.096~~ 756.096 (3) (b). If no party demands a trial by a jury of 12, the right to trial by a jury of 12 is waived forever.

SECTION 289. 618.61 (4) (a) of the statutes is amended to read:

618.61 (4) (a) *Filing.* A copy of any foreign decree authenticated in accordance with the statutes of this state may be filed in the office of the clerk of the circuit court for Dane county. The clerk, upon verifying with the commissioner that the decree or order qualifies as a "foreign decree", shall treat it in the same manner and it shall have the same effect as a decree of a ~~county or~~ circuit court of this state. It is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as

a decree of a ~~county or~~ circuit court of this state and may be enforced or satisfied in like manner.

SECTION 290. 655.17 (2) of the statutes is amended to read:

655.17 (2) Each formal panel may prescribe the procedures necessary to implement this chapter, order physical examinations under sub. (3), subpoena witnesses, administer oaths, apply to any ~~county or~~ circuit court having requisite jurisdiction to enforce the attendance and testimony of witnesses and the production and examination of books, papers and records and exercise all other powers and duties conferred upon it by law.

SECTION 291. 655.19 (intro.), as affected by chapter 26, laws of 1977, and (1) of the statutes are amended to read:

655.19 (title) Court trial. (intro.) Unless the parties have stipulated in writing under s. 655.07 to be bound by the panel determination, any party to a panel hearing may, within 120 days after the date of an order made by a panel, commence an action for a trial in the circuit ~~or county~~ court for the county designated in the submission of controversy under s. 655.04. The provisions of ch. 805 which are not in conflict with this chapter shall apply to ~~such the~~ trial. No panel member may participate in the trial either as counsel or witness. The judgment or order of the circuit ~~or county~~ court shall supersede any order or award made by a panel in a hearing under this chapter.

(1) FORMAL PANELS. The findings and order, except for damages awarded, of any formal panel shall be admissible in any action in circuit ~~or county~~ court, and the amount of damages awarded may, at the court's discretion, be admissible in ~~such the~~ action. In the case of a trial subsequent to a formal panel hearing, the court may award actual court costs and reasonable attorney fees in excess of statutory limitations to the prevailing party.

SECTION 292. 655.20 of the statutes is amended to read:

655.20 (title) Judgment of circuit court on award. After the passage of time for petitioning the ~~county or~~ circuit court for a trial under s. 655.19 has passed, any party may file a certified copy of the order containing the award with the ~~county or~~ circuit court for the county of residency of any respondent named in the order, ~~whereupon~~ and the court shall ~~then~~ render judgment in accordance ~~therewith~~ with the order.

SECTION 293. 701.01 (2) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

701.01 (2) TESTAMENTARY AND LIVING TRUST. "Testamentary trust" means a trust subject to the continuing jurisdiction of the ~~county~~ court ~~under s. 754.10 (1) assigned to exercise probate jurisdiction~~; "living trust" means any other trust, including a testamentary trust removed to this state from another state.

SECTION 294. 701.15 (intro.) of the statutes is amended to read:

701.15 Representation of others. (intro.) Except as otherwise provided in ss. 701.12 and 701.13 (1), in a trust proceeding in the ~~county or~~ circuit court:

SECTION 295. 701.16 (1) (d) of the statutes is amended to read:

701.16 (1) (d) *Foreign trustee.* ~~Where~~ If a trustee is authorized to carry out a trust created by will admitted to probate outside this state, but not also admitted to probate in this state, ~~such the~~ foreign trustee may have recorded in the office of the register of deeds of a county in which part of the subject matter of the trust is located a certified copy of ~~his the~~ letters of trust and filed with the register of probate of the same county a statement appointing the register of probate in ~~his or her~~ official capacity the trustee's resident agent for service of process. Thereafter the trustee may exercise all powers and have all the rights, remedies and defenses that ~~he the trustee~~ would have if he ~~or she~~ received letters of trust from a ~~county circuit~~ court of this state. Service of process shall be complete upon delivery of duplicate copies to the register of probate, one of which copies the register of probate shall promptly forward by registered mail to the foreign trustee.

SECTION 296. 751.03 of the statutes, as affected by chapters 29, 135, 187 and 305, laws of 1977, is repealed and recreated to read:

751.03 Assignment of judges. (1) The chief justice of the supreme court may assign any active supreme court justice, court of appeals judge or circuit judge to serve temporarily as a judge of the court of appeals or any circuit court to aid in the proper disposition of business in that court. The chief justice of the supreme court may designate and assign reserve judges under s. 753.075 to serve temporarily in the court of appeals or the circuit court for any county. While acting under a temporary assignment, an active or reserve justice or judge may exercise all the authority of the court to which he or she is assigned.

(2) The chief justice of the supreme court may exercise the authority under sub. (1) in regard to municipal courts for the limited purpose of assigning a case in which a change of judge is requested under s. 757.19 (5) or is required under s. 300.05 or 300.06 to another municipal judge or, if none is available, transferring the case to circuit court.

(3) The chief judge of any judicial administrative district may assign any circuit judge within the district to serve in any circuit court within the district.

SECTION 297. 751.235 to 751.244 of the statutes, as affected by chapter 187, laws of 1977, are repealed.

SECTION 297m. 751.245 and 751.246 of the statutes, as created by the supreme court order dated June 2, 1978, are repealed.

SECTION 298. 752.11 (1) (a) to (d) of the statutes, as created by chapter 187, laws of 1977, are repealed and recreated to read:

752.11 (1) (a) District I consists of the judicial circuit for Milwaukee county.

(b) District II consists of the judicial circuits for Kenosha, Racine, Walworth, Waukesha, Washington, Ozaukee, Sheboygan, Manitowoc, Fond du Lac, Green Lake, Winnebago and Calumet counties.

(c) District III consists of the judicial circuits for Door, Kewaunee, Brown, Oconto, Marinette, Forest and Florence (a combined 2-county circuit), Outagamie, Menominee and Shawano (a combined 2-county circuit), Langlade, Marathon, Lincoln, Oneida, Vilas, Taylor, Price, Iron, Ashland, Bayfield, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, Buffalo and Pepin (a combined 2-county circuit), Dunn, Pierce, St. Croix, Barron, Polk, Burnett, Washburn and Douglas counties.

(d) District IV consists of the judicial circuits for Rock, Green, Jefferson, Dodge, Dane, Lafayette, Iowa, Grant, Richland, Crawford, Sauk, Columbia, Marquette, Waushara, Waupaca, Portage, Wood, Adams, Juneau, Jackson, Clark, Monroe, Vernon and La Crosse counties.

SECTION 299. 753.015 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 300. 753.016 (1) of the statutes is created to read:

753.016 (1) This section applies only in the judicial circuit for Milwaukee county.

SECTION 301. 753.016 (2) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

753.016 (2) (title) COURT ROOM; OFFICES. (a) The county board shall provide suitable court rooms and offices, ~~the sheriff shall provide suitable court rooms and offices,~~ the sheriff shall provide the necessary deputy sheriffs as attending officers under s. 59.23 (3) and the clerk of the circuit court shall provide a sufficient number of deputy clerks for all the judges and branches of said the court.

(b) The county shall pay to each such judge a salary of \$1,000 per annum and may pay to each judge an additional \$1,000 per annum, payable monthly out of the county treasury, in addition to the salary paid out of the state treasury and any amount paid by authority of s. 753.071, except as provided under s. 20.923 ~~(3)~~ (3m). This paragraph does not apply after July 1, 1980.

SECTION 302. 753.016 (3) (b) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

753.016 (3) (b) All persons in this department shall keep such records as may be provided by law, ~~including the rules of the county board of judges. Whenever the court deems publication of matters before the court contrary to public policy the~~ The court may by order close the files thereof and of matters before the court if the court determines that publication of the matters is contrary to public policy. The court may make such other orders as may be in the interest of children in such matters and the public morals.

SECTION 303. 753.016 (3) (c) and (e) of the statutes, as affected by chapter 187, laws of 1977, are amended to read:

753.016 (3) (c) The department shall have such ~~men and women~~ investigators as are authorized by the county board of supervisors of such the county. ~~Said~~ The investigators shall be appointed by the ~~chief judge under civil service in such department of public welfare of that county~~.

(e) The county board of supervisors of such the county shall provide for such assistants, stenographic and otherwise, as needed to assist the director of family conciliation in carrying out the purpose of subs. (3) to (5) particularly in regard to the proper disposal of marital complaints. The director and all other persons in the department shall be appointed by the ~~chief judge under civil service in such department of public welfare of that county~~, except in cases otherwise expressly provided for.

SECTION 304. 753.016 (4) (title) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

753.016 (4) (title) EQUIPMENT.

SECTION 305. 753.02 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 306. 753.04 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

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 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~~ a date certain which is not more than 60 days from the date of issuance, 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 writs. All writs of certiorari issued to review any action taken by ~~any~~ a 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~~ a county clerk, town clerk, city clerk 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.

SECTION 307. 753.06 of the statutes is repealed and recreated to read:

753.06 Judicial circuits. The state is divided into judicial circuits as follows:

(1) **WITHIN THE 1ST JUDICIAL ADMINISTRATIVE DISTRICT.** (a) Milwaukee county. The circuit has 33 branches. Commencing August 1, 1979, the circuit has 36 branches. Commencing August 1, 1980, the circuit has 37 branches.

(2) **WITHIN THE 2ND JUDICIAL ADMINISTRATIVE DISTRICT.** (a) Kenosha county. The circuit has 5 branches.

(b) Racine county. The circuit has 8 branches.

(c) Walworth county. The circuit has 3 branches.

- (3) WITHIN THE 3RD JUDICIAL ADMINISTRATIVE DISTRICT. (a) Jefferson county. The circuit has 2 branches. Commencing August 1, 1979, the circuit has 3 branches.
- (b) Ozaukee county. The circuit has 2 branches. Commencing August 1, 1979, the circuit has 3 branches.
- (c) Washington county. The circuit has 3 branches.
- (d) Waukesha county. The circuit has 7 branches. Commencing August 1, 1979, the circuit has 9 branches.
- (4) WITHIN THE 4TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Calumet county. The circuit has one branch.
- (b) Fond du Lac county. The circuit has 4 branches.
- (c) Manitowoc county. The circuit has 3 branches.
- (d) Sheboygan county. The circuit has 3 branches. Commencing August 1, 1979, the circuit has 4 branches.
- (e) Winnebago county. The circuit has 5 branches.
- (5) WITHIN THE 5TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Dane county. The circuit has 10 branches. Commencing August 1, 1979, the circuit has 12 branches.
- (b) Green county. The circuit has one branch.
- (c) Rock county. The circuit has 5 branches. Commencing August 1, 1979, the circuit has 6 branches.
- (6) WITHIN THE 6TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Adams county. The circuit has one branch.
- (b) Columbia county. The circuit has 3 branches. The branches shall be reduced to 2 as provided in chapter (this act), laws of 1977, section 491 (11).
- (c) Dodge county. The circuit has 3 branches.
- (d) Green Lake county. The circuit has one branch.
- (e) Juneau county. The circuit has one branch.
- (f) Marquette county. The circuit has one branch.
- (g) Portage county. The circuit has 2 branches.
- (h) Sauk county. The circuit has 2 branches.
- (i) Waupaca county. The circuit has 2 branches.
- (j) Waushara county. The circuit has one branch.
- (k) Wood county. The circuit has 2 branches.
- (7) WITHIN THE 7TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Buffalo and Pepin counties. The circuit has one branch.
- (b) Crawford county. The circuit has one branch.
- (c) Grant county. The circuit has 2 branches.
- (d) Iowa county. The circuit has one branch.
- (e) Jackson county. The circuit has one branch.
- (f) La Crosse county. The circuit has 3 branches.
- (g) Lafayette county. The circuit has one branch.
- (h) Monroe county. The circuit has one branch.
- (i) Richland county. The circuit has one branch.
- (j) Trempealeau county. The circuit has one branch.
- (k) Vernon county. The circuit has one branch.
- (8) WITHIN THE 8TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Brown county. The circuit has 7 branches.

- (b) Door county. The circuit has one branch.
- (c) Kewaunee county. The circuit has one branch.
- (d) Marinette county. The circuit has 2 branches.
- (e) Oconto county. The circuit has one branch.
- (f) Outagamie county. The circuit has 4 branches.
- (9) WITHIN THE 9TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Ashland county. The circuit has one branch.
 - (b) Clark county. The circuit has 2 branches.
 - (c) Florence and Forest counties. The circuit has one branch.
 - (d) Iron county. The circuit has one branch.
 - (e) Langlade county. The circuit has one branch.
 - (f) Lincoln county. The circuit has one branch.
 - (g) Marathon county. The circuit has 3 branches. Commencing August 1, 1979, the circuit has 4 branches.
 - (h) Menominee and Shawano counties. The circuit has 2 branches.
 - (i) Oneida county. The circuit has one branch.
 - (j) Price county. The circuit has 2 branches. The branches shall be reduced to one as provided in chapter (this act), laws of 1977, section 491 (49).
 - (k) Taylor county. The circuit has one branch.
 - (L) Vilas county. The circuit has one branch.
- (10) WITHIN THE 10TH JUDICIAL ADMINISTRATIVE DISTRICT. (a) Barron county. The circuit has one branch.
 - (b) Bayfield county. The circuit has one branch.
 - (c) Burnett county. The circuit has one branch.
 - (d) Chippewa county. The circuit has 2 branches.
 - (e) Douglas county. The circuit has 4 branches. The branches shall be reduced to 2 as provided in chapter (this act), laws of 1977, section 491 (16).
 - (f) Dunn county. The circuit has one branch.
 - (g) Eau Claire county. The circuit has 3 branches.
 - (h) Pierce county. The circuit has one branch.
 - (i) Polk county. The circuit has one branch.
 - (j) Rusk county. The circuit has one branch.
 - (k) St. Croix county. The circuit has 2 branches.
 - (L) Sawyer county. The circuit has one branch.
 - (m) Washburn county. The circuit has one branch.

SECTION 308. 753.061 of the statutes is created to read:

753.061 Court; branch; judge. In each judicial circuit, each judgeship shall be given a branch number. Except as provided in s. 751.239 (3) (a), each such branch constitutes a circuit court with all the powers and jurisdiction possessed by circuit courts in circuits having one judge only, and may be designated in all papers and proceedings either by its respective number or by the name of its presiding judge.

SECTION 309. 753.07 of the statutes, as affected by chapters 187 and 418, laws of 1977, is repealed and recreated to read:

753.07 Circuit judges; circuit court reporters; assistant reporters; salaries; retirement; fringe benefits. (1) JUDGES AND COURT REPORTERS. Persons serving as county court judges in this state on July 31, 1978, shall be denominated circuit court

judges as provided in chapter (this act), laws of 1977, section 491. Persons serving as county court reporters in this state on July 31, 1978, shall be circuit court reporters on August 1, 1978. Persons serving as assistant county court reporters for a court of record, authorized as full-time employes by a county board of supervisors and not paid on a per diem basis and who were employed in that capacity on February 1, 1978, shall be circuit court reporters on August 1, 1978. On August 1, 1978, and thereafter, all circuit court judges, circuit court reporters and assistant circuit court reporters in this state shall receive compensation under ss. 20.923 and 753.18, and as state employes shall be subject to chs. 40, 41 and 230, except as otherwise provided in this section.

(2) COURT PERSONNEL; MILWAUKEE COUNTY. Persons serving as circuit court judges and circuit court reporters for Milwaukee county on July 31, 1978, shall have the option of receiving compensation and continuing as participants in the retirement system established under chapter 201, laws of 1937, as follows:

(a) The persons shall continue to receive salaries directly payable from the state in the same amount as they were receiving on July 31, 1978, and such salaries are subject to subch. I of ch. 41. The balance of the salaries authorized under ss. 20.923 and 230.12 for the judges and reporters shall be paid by the state treasurer to the county treasurer pursuant to a voucher submitted by the clerk of circuit court to the administrative director of courts. The county treasurer shall pay the amounts directly to the judges and reporters and the amounts paid are subject to the retirement system established under chapter 201, laws of 1937.

(b) The state shall pay to the county treasurer in the manner specified in par. (a) on behalf of the judges and reporters the required employer contribution rate as provided under subch. I of ch. 41. If the required employer contribution rate under the retirement system established under chapter 201, laws of 1937, is greater than the required employer contribution rate under subch. I of ch. 41, the state shall pay 50% of the difference to the county treasurer. For future retirement benefits, these judges and reporters shall be given the same consideration as other elected county officials and county employes under the county's retirement system.

(3) SAME. Persons serving as county court judges, county court reporters and assistant county court reporters, as specified in sub. (1), for Milwaukee county on July 31, 1978, shall have the option of receiving compensation and continuing in the retirement system established under chapter 201, laws of 1937, as follows:

(a) The salaries authorized under ss. 20.923 and 230.12 for the judges and reporters shall be paid by the state treasurer to the county treasurer pursuant to a voucher submitted by the clerk of circuit court to the administrative director of courts. The county treasurer shall pay the amounts directly to the judges and reporters and the amounts paid shall be subject to the retirement system established under chapter 201, laws of 1937.

(b) The state shall pay to the county treasurer in the manner specified in par. (a) on behalf of the judges and reporters the required employer contribution rate as provided under subch. I of ch. 41. If the required employer contribution rate under the retirement system established under chapter 201, laws of 1937, is greater than the required employer contribution rate under subch. I of ch. 41, the state shall pay 50% of the difference to the county treasurer. For future retirement benefits, the judges and reporters shall be given the same consideration as other elected county officials and county employes under the county's retirement system. Reporters covered under this subsection may be discharged only for cause and in connection therewith shall be afforded the same rights to a hearing and appeal as employes in the classified state service.

(4) COURT PERSONNEL; OPTIONS. As state employes, county court judges, county court reporters and assistant county court reporters, as specified in sub. (1), who are denominated or become circuit court judges and reporters on August 1, 1978, and persons serving as circuit court judges and circuit court reporters for Milwaukee county on July 31, 1978, shall have the option of remaining as participants under

county life and health insurance programs to the extent of their participation in such programs on February 1, 1978. The state treasurer shall semiannually pay to the county treasurer, pursuant to a voucher submitted by the clerk of circuit court to the administrative director of courts, an amount equal to the state contribution for life and health insurance for other comparable state employes. The county shall pay the cost of any premiums for life and health insurance exceeding the sum of the state contribution and the employe contribution as required under the county programs.

(5) EXERCISED IN WRITING. The options to remain under county programs under this section shall be exercised in writing on forms provided by the administrative director of courts not later than November 1, 1978, and the action shall apply retrospectively to August 1, 1978.

(6) DETERMINATION. In this section, "required employer contribution rate" means the total amount paid to the retirement fund for similar participants including actuarially determined current costs, any prior service amortization costs and any amount of employe contributions presently paid by the employer. These required employer contribution rates are subject to annual redetermination by the actuaries of the respective retirement systems; however, the contribution rates for elected public officials and other employes shall be determined separately when the calculations are actuarially available from the Wisconsin retirement fund and adopted by the Wisconsin retirement fund board.

(7) SUPPLEMENTS. Notwithstanding any other provision of law, supplements payable by Milwaukee county under s. 20.923 (3m) to judges who do not elect to continue as participants in the retirement system established under chapter 201, laws of 1937, are subject to subch. I of ch. 41 with fund contributions to be paid by Milwaukee county without reference to whom services are rendered. This subsection does not apply after July 1, 1980.

SECTION 310. 753.071 and 753.072 of the statutes, as affected by chapter 187, laws of 1977, are amended to read:

753.071 Judge's salary from county. (1) In every judicial circuit each county may elect to pay to each circuit judge of ~~such~~ the circuit a salary in addition to compensation provided by the state except as provided under s. 20.923 ~~(3)~~ (3m). ~~Such~~ The salary shall be determined by each county on the basis of work load and judicial services performed but not to exceed the salary limitation including supplements under s. 20.923 ~~(3)~~ (3m). The additional salary shall be the same for each circuit judge within the circuit. Except in counties to which s. 753.016 applies, ~~such~~ the salary authorized by counties ~~previously or in the future shall, effective January 1, 1964, be~~ is subject to subch. I of ch. 41 with fund contributions to be paid by the county without reference to whom services are rendered. A county may reduce the additional salary of a judge under this section, except that no such reduction may reduce the judge's total state and county judicial salary below the greater of the following amounts:

(a) The total state and county judicial salary the judge received as of July 31, 1978.

(b) The salary specified in s. 20.923 (2) (a) 2.

(2) ~~The provisions of this~~ This section immediately before December 9, 1967 shall apply to any election by determination made thereunder by a county and such actions are hereby confirmed ~~does not apply after July 1, 1980.~~

753.072 Salary limitation. No salary shall ~~may~~ be paid a circuit judge except as provided in ss. 20.923, 753.016 and 753.071. This section does not apply after July 1, 1980.

SECTION 311. 753.073 of the statutes, as affected by chapters 187 and 273, laws of 1977, is amended to read:

753.073 Expenses. A circuit judge shall be reimbursed by the state for actual and necessary itemized expenses incurred in the discharge of judicial duty outside the

county of residence, and in attending meetings of the ~~board of criminal court judges, and as an officer or member of the board of circuit judges and of committees of such boards~~ judicial conference of Wisconsin and the committees and boards thereof, and as the judge designated to serve on the administrative committee of the courts under s. 758.15.

SECTION 312. 753.075 of the statutes, as affected by chapters 29, 187 and 418, laws of 1977, is repealed and recreated to read:

753.075 Reserve judges; service. (1) DEFINITIONS. In this section:

(a) "Permanent reserve judge" means a judge appointed by the chief justice to serve an assignment for a period of 6 months. Permanent reserve judges shall perform the same duties as other judges and may be reappointed for subsequent periods.

(b) "Temporary reserve judge" means a judge appointed by the chief justice to serve such specified duties on a day-by-day basis as the chief justice may direct.

(2) ELIGIBILITY. The following persons may serve temporarily on appointment by the chief justice of the supreme court as a reserve judge of the court of appeals or the circuit court for any county:

(a) Any person who, as of August 1, 1978, has served a total of 8 or more years as a supreme court justice or circuit judge; or

(b) Any person who has served 4 or more years as a judge or justice of any court or courts of record and who was not defeated at the most recent time he or she sought reelection to judicial office.

(3) COMPENSATION. (a) Temporary reserve judges shall receive a per diem of \$125 and while serving outside the county in which they reside shall also receive actual and necessary expenses incurred in the discharge of judicial duties. This per diem compensation is not subject to s. 41.11 (12) but the combined amount of this compensation and any other judicial compensation together with retirement annuities under the Wisconsin retirement fund, the Milwaukee county retirement fund and other state, county, municipal, or other Wisconsin governmental retirement funds, social security or other federal retirement funds received by him or her during any one calendar year shall not exceed the compensation of a circuit judge, including any county supplements paid as provided in ss. 753.016 (2) and 753.071. County supplements shall not be paid after July 1, 1980. The per diem compensation and actual and necessary expenses shall be paid from the appropriation under s. 20.625 (1) (a) when the judge is assigned to a circuit court and from the appropriation under s. 20.660 (1) (a) when the judge is assigned to the court of appeals.

(b) Permanent reserve judges shall receive compensation equal to the compensation for the 6-month period of a judge of the court to which they are assigned. If the incumbent judge receives a county supplement, the permanent reserve judge shall receive the county supplement, paid by the county, as provided in ss. 753.016 (2) and 753.071, except that county supplements shall not be paid after July 1, 1980. This compensation is not subject to s. 41.11 (12) but the combined amount of this compensation and any other judicial compensation together with retirement annuities under the Wisconsin retirement fund, the Milwaukee county retirement fund or other state, county, municipal or other Wisconsin governmental retirement funds, social security or other federal retirement funds received by him or her during any one calendar year shall not exceed the compensation of a circuit judge, including any county supplements paid as provided in ss. 753.016 (2) and 753.071. Permanent reserve judges shall receive health insurance calculated under s. 40.14 or 40.145 and s. 40.16 and vacation benefits calculated under s. 16.30 (1). Except for county supplements, compensation for permanent reserve judges shall be paid from the appropriation under s. 20.625 (1) (c).

SECTION 313. 753.076 of the statutes, as affected by chapters 187 and 418, laws of 1977, is amended to read:

753.076 (title) Reserve judges; service and practice. A ~~retired justice or reserve judge who serves temporarily~~ has served as a circuit or county judge under s. 753.075 shall not appear as an attorney nor act ~~of as~~ counsel in any contested matter in any court in the county in which he or she has so served for a period of one year after the service. A reserve judge who has served as a court of appeals judge under s. 753.075 shall not appear as an attorney nor act as counsel in any matter in the court of appeals for a period of one year after such service. Neither the act of serving as ~~circuit or county~~ a reserve judge ~~in another county~~, nor the performance of conciliation or pretrial duties under s. 807.09 affects his or her eligibility to engage in the practice of law.

SECTION 313m. 753.077 of the statutes is created to read:

753.077 Preservation of judgments. All judgments of county courts which were entered prior to August 1, 1978, are judgments of the circuit court for the county where the judgment was entered. No such judgment may have any other effect than the judgment had when it was originally entered.

SECTION 314. 753.09 (title) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

753.09 (title) Jury.

SECTION 315. 753.09 (1) of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 316. 753.09 (2) of the statutes, as affected by chapter 187, laws of 1977, is renumbered 753.09.

SECTION 317. 753.11 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 318. 753.12 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 319. 753.16 of the statutes, as affected by chapters 187 and 323, laws of 1977, is repealed.

SECTION 320. 753.18 of the statutes, as affected by chapters 29, 187 and 418, laws of 1977, is amended to read:

753.18 Court reporter and assistant; oaths of office. (1) (a) Every circuit judge may 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. The judge may appoint one or more competent assistant reporters provided the judge has the approval of the administrative director of courts. The appointing judge or 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. 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 appointed and, when requested by the judge appointing him or her, upon the sessions of court presided over in other counties by the judge, and shall discharge such other duties as the court or judge thereof requires. Every assistant reporter shall attend upon the court for which appointed, whenever requested so to do by the circuit judge.

(b) In the ~~2nd~~ circuit for Milwaukee county, the chief judge of the administrative district may appoint 3 additional court reporters to serve in those branches of the circuit court to which criminal cases are assigned and 2 additional court reporters to serve in those branches to which probate cases are assigned. ~~The state shall reimburse Milwaukee county annually on voucher signed by the chief judge of such branches for that portion of said reporter's salary which is paid by the state.~~ Whenever the service of any of the reporters first appointed is terminated, a successor shall be appointed under par. (a) and paid under s. 20.923 (7) in the same manner as the reporters in the other branches of the circuit, ~~under par. (a).~~

(2) A reporter or assistant reporter shall be reimbursed for necessary traveling expenses and hotel bills if the reporter is attending a term of court or attending by the direction of the court the trial of a compulsory reference, outside the county in which the reporter resides provided he or she resides within the appointing judge's circuit, or if the reporter or assistant reporter is attending the sessions of court presided over in other circuits by the judge appointing the reporter, at the request of the judge. Every assistant reporter shall be compensated in an amount as the ~~judge appointing the assistant reporter~~ administrative director of courts directs, but not more than the per diem equivalent of the state salary of the official court reporter for any day or more than the monthly state salary of the official court reporter for any month.

SECTION 321. 753.18 (3) of the statutes is created to read:

753.18 (3) The administrative director of courts shall develop, in cooperation with the division of personnel in the department of employe relations, a program establishing qualifications and compensation levels for court reporters based on job proficiency and without regard to salary ranges for court reporters prior to August 1, 1978. The administrative director and the division shall make recommendations to the legislature concerning appropriate compensation levels for court reporters.

SECTION 322. 753.19 of the statutes, as affected by chapter 187, laws of 1977, is repealed and recreated to read:

753.19 Operating costs; circuit court. The cost of operation of the circuit court for each county, except for the salaries of judges and court reporters provided to be paid by the state, and except for the cost assumed by the state under this chapter and chs. 40, 41 and 230, and except as otherwise provided, shall be paid by the county.

SECTION 323. 753.22 of the statutes is created to read:

753.22 When court to be held. If a matter appointed to be heard at a specified time is not heard at the time appointed, it stands continued and may be heard at any time, unless the court orders otherwise.

SECTION 323m. 753.23 of the statutes is created to read:

753.23 Night and Saturday sessions. In each circuit having 4 or more branches, at least one branch shall schedule and hold sessions at least one Saturday and 2 evenings after 6 p.m. per month. In each circuit having 2 or 3 branches, at least one branch shall hold one session per month on Saturday or in the evening after 6 p.m. In single branch circuits, Saturday and evening sessions may be held as the convenience of the litigants requires.

SECTION 324. 753.24 of the statutes is created to read:

753.24 Where court to be held. (1) Circuit court shall be held regularly at the county seat.

(2) Provision may be made, by court rule, for holding court in any city or village in the circuit other than the county seat where the court finds that there are adequate facilities provided and there is sufficient business to warrant holding court.

(3) If court is held in a city or village located partly in the circuit from which the judge was elected and partly in another, the judge may hold court, except for trials of criminal offenses, anywhere in that city or village, the same as if it were entirely within the circuit from which he or she was elected.

SECTION 325. 753.26 of the statutes is created to read:

753.26 Office and records to be kept at county seat. Except in branches Nos. 4 and 5 of the circuit court for Rock county, every circuit judge in this state shall maintain in his or her office the books, papers and records of the court at the county seat of the county in which the judge holds 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 under circuit court jurisdiction, of branches Nos. 4 and 5 of the Rock county circuit court in Beloit, shall be kept at the county seat.

SECTION 326. 753.30 of the statutes is created to read:

753.30 Clerk of circuit court; duties, powers. (1) The clerk of circuit court shall keep the books and records under s. 59.39 and ch. 299 and perform the duties under s. 59.395 for all matters in the circuit court except those under chs. 48 and 851 to 880. In counties having only one circuit judge, the circuit judge, with the approval of the chief judge of the judicial administrative district, may appoint the clerk of court register in probate. The appointments are revocable at the pleasure of the circuit judge. Appointments and revocations shall be in writing and shall be filed in the office of the register in probate. If appointed for this purpose, the clerk has the powers and duties of registers in probate. In prosecutions of ordinance violations in the circuit court in counties having a population of 500,000 or more, an assistant chief deputy clerk appointed under sub. (3) (a), or one of his or her deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court directs formal complaint be made. The defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue, any other provisions of law notwithstanding.

(2) In counties with multibranch circuit courts, the clerk of circuit court may appoint one or more deputies for each branch. A deputy appointed to serve a particular branch may serve any other branch of the circuit court.

(3) In counties having a population of 500,000 or more the clerk of the circuit court shall:

(a) Appoint, under ss. 63.01 to 63.16, an assistant chief deputy clerk for the exclusive handling of the clerk's work in all criminal and ordinance matters in circuit courts, but the clerk of the circuit court or such chief deputy clerk shall sign all extradition requisition papers as required by law.

1. The assistant chief deputy clerk or one of his or her deputies shall be present at each session of the circuit court assigned criminal and traffic cases and shall perform all ministerial acts required by and under the direction of the judges, and when the court is not in session, may take bail for the appearance of any person under arrest before the courts for a misdemeanor or a traffic violation, subject to revision by the courts; the clerk or one of his or her deputies, shall issue all processes under the clerk's hand and the seal of the court and attest it in the name of the judge, signing it by the title of office, and shall tax costs; the clerk or one of his or her deputies, may issue warrants upon complaint filed in writing and upon oath in all cases. The complaints, warrants, recognizance, commitments, attachments, venire, subpoenas and all other writs and papers in the courts shall be in substance in the form provided by rules duly adopted and published by the judicial conference.

2. In prosecutions of ordinance violations in the court, the clerk, or one of the clerk's deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court directs formal complaint to be made; then the defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in the case at issue, any other provision of law notwithstanding.

3. The clerk and deputies and the police officers attending the circuit court branches assigned criminal and traffic cases and serving its process shall receive no fee.

(b) Appoint, under ss. 63.01 to 63.16, an assistant chief deputy clerk of circuit court for the exclusive handling of the clerk's work in all civil matters in circuit court excluding probate and juvenile matters.

(c) Appoint, under ss. 63.01 to 63.16, an assistant chief deputy clerk for the exclusive handling of the clerk's work in the branches of court assigned juvenile matters.

(d) The clerk of the circuit court is the department head of the clerk of courts department of the circuit for the county, except branches assigned probate jurisdiction, as to all personnel, procurement, budget and related matters.

SECTION 327. 753.32 of the statutes is created to read:

753.32 Clerks, etc., not to be appraisers. No clerk or other person employed in the office of any circuit judge may be appointed commissioner or appraiser in any matter that is within the jurisdiction of the judge or of the circuit court.

SECTION 328. 753.34 of the statutes is created to read:

753.34 Circuit court for Menominee and Shawano counties. (1) Menominee county shall not be organized separately for circuit court purposes, but is a part of a joint circuit court for Menominee and Shawano counties, which constitutes a single judicial district. No circuit judge for Menominee county may be elected separately, but the duly elected judges of the circuit court for Menominee and Shawano counties shall serve as judges of the circuit. The books, papers and records of the office of the 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 judges, at either or both county seats.

(2) Each circuit judge for the circuit court for Menominee and Shawano counties may appoint a register in probate or may jointly appoint one register in probate to serve the court. If one register in probate serves the court, the office of the register in probate shall be in the city of Shawano.

(3) The qualified electors of Menominee county shall be eligible to vote at every election for circuit judge.

(4) The county boards of Menominee county and Shawano county shall enter into an agreement prorating the joint expenditures involved in conducting the circuit court, and for such purposes the county board of Menominee county may appropriate, levy and collect a sum each year sufficient to pay its share of 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 circuit court judges for the circuit court for Menominee and Shawano counties shall, under appropriate notice and hearing, determine the prorating of the expenditures, on the basis of the volume and character of work and responsibilities, to each county, under such procedure as they prescribe. If the circuit judges are unable to agree, the chief judge of the judicial administrative district shall make the determination.

(5) The court may order proceedings held at the county seat in Menominee county or at the county seat in Shawano county or other appropriate place. The proper place of trial of civil and criminal actions commenced in the court shall be the place in either county where the judge orders proceedings held.

(6) The jury commissioners of Shawano county shall serve as jury commissioners for the circuit court for Menominee and Shawano counties, and the jury list shall be known as the jury list for the circuit court for Menominee and Shawano counties.

(7) Except as provided in s. 814.21 (4), all fines and all costs and fees collected in circuit court for Menominee and Shawano counties in causes of action arising out of Menominee county shall be accounted for and paid over quarterly to the county treasurer of Menominee county and in causes of action arising out of Shawano county shall be accounted for and paid over quarterly to the county treasurer of Shawano county.

(8) All process and pleadings and documents of the court shall be entitled, "Circuit Court for Menominee and Shawano Counties".

SECTION 329. Chapter 754 of the statutes, as affected by chapters 135, 187, 273, 305, 323 and 418, laws of 1977, is repealed.

SECTION 330. 756.01 (1) of the statutes, as affected by chapters 187 and 318, laws of 1977, is amended to read:

756.01 (1) Persons who are U.S. citizens, who are electors of the state, who are possessed of their natural faculties, who are not infirm, who are able to read and understand the English language, and who have not been summoned to attend for

prospective service as a petit juror for the time period applicable under s. ~~255.04~~ 756.04 (5m) within 2 years ~~of the end of the last term during which the person was summoned as a juror,~~ shall be liable to be drawn as grand or petit jurors.

SECTION 331. 756.025 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

756.025 Parties to actions disqualified. Every person summoned as a juror ~~for any term~~ shall be paid and discharged ~~whenever~~ if it appears that the person is a party to any action triable by jury at that ~~term~~ time.

SECTION 332. 756.03 (1) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

756.03 (1) There shall be 3 jury commissioners in each county appointed as provided in this section. They must be qualified electors of the county and possess the qualifications required for jurors by s. 756.01. Jury commissioners shall be appointed by the joint action of the judges of the circuit ~~and county courts~~ court for the county. One commissioner shall be appointed each year for a term of 3 years commencing on July 1 following ~~such~~ the appointment. Appointments shall be made in writing and shall be filed in the ~~offices~~ office of the ~~clerks~~ clerk of circuit ~~courts~~ court.

SECTION 333. 756.04 (1) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

756.04 (1) Petit jurors for all circuit ~~and county~~ courts when exercising civil or criminal jurisdiction shall be drawn and obtained as prescribed in ss. 756.04 to 756.07.

SECTION 334. 756.04 (3) of the statutes, as affected by chapters 187 and 318, laws of 1977, is amended to read:

756.04 (3) At least 15 and not more than 30 days before the sitting of any court at which a jury is required to attend, ~~and for which a panel is not available under sub. (6),~~ the clerk of circuit court shall in the presence of at least 2 of the commissioners draw a sufficient number of names from the tumbler. Before each name is drawn, the tumbler shall be rotated. The commissioners shall write the person's name, occupation and address in the order in which it was drawn, upon a panel list provided for that purpose, at the bottom of which the commissioners shall certify that the drawing was in accordance with law. In like manner the clerk shall then draw a sufficient number of names of additional persons, to be recorded upon a reserve-panel list. They shall be summoned in the order in which their names appear on the reserve-panel list in the event and to the extent that the regular panel is inadequate. When summoned, they shall become a part of the regular panel. The regular and reserve-panel lists shall be kept by the commissioners; and a signed duplicate thereof shall be furnished the clerk of circuit court.

SECTION 335. 756.04 (6) of the statutes, as affected by chapters 187 and 318, laws of 1977, is repealed.

SECTION 336. 756.05 of the statutes, as affected by chapters 187 and 318, laws of 1977, is amended to read:

756.05 Insufficient number of jurors. ~~Whenever~~ If 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~~ if 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 lesser or larger number as the public interest and the condition and character of the business ~~shall require~~ requires. 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 names in the tumbler at the time any drawing of jurors takes place. The names shall be placed on cards ~~under s. 756.04 (2)~~ as prescribed in s. ~~255.04~~ 756.04 (2) (c) and placed in the master tumbler.

SECTION 337. 756.08 of the statutes, as affected by chapters 187 and 318, laws of 1977, is repealed and recreated to read:

756.08 Jury summons, when and how issued. At least 12 days before the first day on which a jury is required to be present, the clerk shall summon the persons drawn as jurors to appear before the court at such time as is fixed by the presiding judge of the court, to serve as petit jurors. The summons may be served by mail or another method chosen by the clerk. When ordered to draw a grand jury, the clerk shall summon the persons so drawn as grand jurors to appear before the court at the time specified in the order. The summons may be served by mail or another method chosen by the clerk.

SECTION 338. 756.096 (1) and (5) of the statutes, as affected by chapters 187, 318 and 418, laws of 1977, are repealed and recreated to read:

756.096 (1) When jurors are drawn as provided in s. 756.04 the clerk shall place in a tumbler only the names of the petit jurors who have been drawn and summoned according to law for service. The names shall be written upon separate cards and enclosed in opaque envelopes as required by s. 756.04 (2) (c).

(5) If a jury issue is brought to trial while a jury is trying another cause, the court may order a jury for the trial of the former to be drawn out of the tumbler under subs. (1) and (2). In any other case all the cards containing the names of the petit jurors, returned at and attending, shall be placed in the tumbler before a jury is drawn.

SECTION 339. 756.10 (6) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

756.10 (6) TIME GRAND JURORS TO SERVE. Grand jurors shall serve ~~during the current term of court. The judge may order them to continue during the following term, but for no longer period for a period of 6 months and the judge may order them to serve for a 2nd period of 6 months but not any longer.~~ The judge may discharge the grand jury at any time.

SECTION 340. 756.14 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

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

SECTION 341. 756.22 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

756.22 (title) May serve twice. When the grand jury attending any court ~~shall have been~~ is dismissed before the court is adjourned ~~without day~~ they may be summoned to attend again ~~in the same term~~, at such time as the court ~~shall direct~~ directs, for the dispatch of any business that may come before ~~them~~ the grand jury.

SECTION 342. 756.25 (1) of the statutes, as affected by chapters 187 and 318, laws of 1977, is amended to read:

756.25 (1) Every grand and petit juror summoned shall receive an amount, not less than \$16, as fixed by the county board, for each day's actual attendance upon any circuit ~~or county~~ court, and an amount, not less than 10 cents per mile, determined by the county board for each mile actually traveled each day in going and returning by the most usual route. A juror shall not be paid for a day when the court is not in session unless payment is specially ordered by the ~~presiding judge court~~. An employer shall grant an employe a leave of absence without loss of time in service for the period of jury service. For the purpose of determining seniority or pay advancement, the status of the employe shall be considered uninterrupted by the service.

SECTION 343. 757.02 (1) of the statutes, as affected by chapters 187 and 305, laws of 1977, is amended to read:

757.02 (1) Every person elected or appointed justice of the supreme court, judge of the court of appeals, judge of the circuit or ~~county~~ court or municipal judge, 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)

SECTION 344. 757.02 (4) of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 345. 757.09 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 346. 757.10 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

757.10 (title) Failure to adjourn. No omission to adjourn any such court ~~from day to day, previous to the final adjournment thereof without day, shall may~~ vitiate any proceedings in such the court; ~~and the adjournment of any court before the expiration of its term shall not affect the return or service of any writ issued prior or subsequent to such adjournment.~~

SECTION 347. 757.12 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

757.12 Adjournment to another place. Whenever it ~~shall be~~ is deemed unsafe or inexpedient, by reason of war, pestilence or other public calamity, to hold any court at the time and place appointed therefor the justices or judges of the court may appoint any other place within the same county and any other time for holding ~~the same; and the said adjourned session shall be taken as part and continuance of said term, and all court.~~ All proceedings in the said court may be continued at said adjourned times and places and be of the same force and effect as if ~~said the~~ the court had continued its sessions at the place it was ~~holden~~ held before ~~such the~~ the adjournment. Every such appointment shall be made by an order in writing, signed by the justices or judges making the ~~same~~ appointment, and shall be published as a class 1 notice, under ch. 985, or in such other manner as is required in the order.

SECTION 348. 757.15 of the statutes, as affected by chapters 54 and 187, laws of 1977, is amended to read:

757.15 Holding court, effect of holidays. No court ~~shall may~~ be opened or transact business on the first day of the week, ~~the 4th day of July 4 or Christmas unless it is for the purpose of instructing or discharging a jury or of receiving a verdict and rendering a judgment thereon. This section shall does~~ not prevent the exercise of the jurisdiction of any judge when it is necessary, in criminal cases, to preserve the peace or arrest offenders. ~~If the day fixed by law for beginning any term of any court of record falls upon a legal holiday, the term shall be deemed opened and adjourned until the next day which is not a Saturday, Sunday or holiday, and from day to day thereafter until the judge is present, and all matters returnable on that day shall be held continued until the judge is present; but whenever any such Whenever a legal holiday, other than the 4th of July 4 or Christmas, shall occur during the term of any court of record, said occurs, the court may, in its discretion,~~ proceed with its business thereon in like manner and with like effect as upon any other day.

SECTION 349. 757.19 (1) of the statutes, as affected by chapters 135 and 187, laws of 1977, is amended to read:

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

SECTION 350. 757.24 of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

757.24 Liability of judicial officers. ~~The Circuit judges of the circuit and county courts and court commissioners shall be held personally liable to any party injured for any wilful violation of the law in granting injunctions and appointing receivers, or for refusing to hear motions to dissolve injunctions and to discharge receivers; provided, such if the motions are made in accordance with the rules of law or such rules as are promulgated by the supreme court.~~

SECTION 351. 757.58 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 352. 757.60 to 757.64 of the statutes are created to read:

757.60 Judicial administrative districts. The state is divided into judicial administrative districts for the purpose of administering the court system. Each district includes all the circuit courts within the district. The judicial administrative districts are as follows:

- (1) The 1st district consists of Milwaukee county.
- (2) The 2nd district consists of Kenosha, Racine and Walworth counties.
- (3) The 3rd district consists of Jefferson, Ozaukee, Washington and Waukesha counties.
- (4) The 4th district consists of Calumet, Fond du Lac, Manitowoc, Sheboygan and Winnebago counties.
- (5) The 5th district consists of Dane, Green and Rock counties.
- (6) The 6th district consists of Adams, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waupaca, Waushara and Wood counties.
- (7) The 7th district consists of Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Lafayette, Monroe, Pepin, Richland, Trempealeau and Vernon counties.
- (8) The 8th district consists of Brown, Door, Kewaunee, Marinette, Oconto and Outagamie counties.
- (9) The 9th district consists of Ashland, Clark, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor and Vilas counties.
- (10) The 10th district consists of Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Pierce, Polk, Rusk, St. Croix, Sawyer and Washburn counties.

757.61 Selection of chief judges of judicial administrative districts. The supreme court shall appoint a chief judge in each judicial administrative district. The chief judge shall be a circuit judge within the district. The chief judge is responsible for the administration of judicial business in circuit courts within the district, including its personnel and fiscal management.

757.63 Responsibilities and duties of the chief judge. (1) The chief judge is the administrative chief of the judicial administrative district, including the elected, appointed and assigned circuit judges. The general responsibility of the chief judge is to supervise and direct the administration of the district.

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

(3) In the exercise of general responsibility, the chief judge has the following duties:

(a) Assignment of judges within each judicial administrative district. The chief judge shall establish a system for the equitable distribution and allocation of categories of cases and caseloads within the district, subject to the approval of the supreme court.

- (b) Maintenance of a system for and effective management of caseload through the judicial administrative district.
- (c) Establishment of hours for court operation.
- (d) Appointment of court committees.
- (e) Establishment of policies, plans and rules, as authorized by rule of the supreme court.
- (f) Provision for representation of the circuit court in ceremonial functions and in its relations with other branches of the government or with other courts and with news media.
- (g) Calling and presiding over meetings of the circuit judges within the district.
- (h) Supervision of vacation schedules.
- (i) Coordination of attendance by judges and other court personnel at conferences which require absence from the court during working hours.
- (j) Supervision of court finances including financial planning, the preparation of budgets and fiscal reporting.

757.64 Authority of the chief judge. The chief judge shall exercise within the judicial administrative district the full administrative power of the judicial branch of government subject to the administrative control of the supreme court. The chief judge may order that his or her directives, policies and rules be carried out. Failure to comply with an order of the chief judge is grounds for discipline under ss. 757.81 to 757.99.

SECTION 353. 757.68 (2) of the statutes, as affected by chapters 187 and 323, laws of 1977, is amended to read:

757.68 (2) PART-TIME COURT COMMISSIONERS. In each county the circuit ~~and county~~ judges shall appoint such number of part-time 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 the appointments shall be subject to the approval of a majority of the circuit judges ~~of for~~ the county ~~and a majority of the county judges of 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 ~~the effective date of this act (1977)~~ May 16, 1978, other than official court reporters acting under s. 757.71 (2) (b) performing duties or exercising powers specified for court reporters, shall be attorneys licensed to practice in this state. The appointing judge ~~shall have power~~ may remove, at will and without cause ~~to remove~~, any court commissioner appointed by the judge or the judge's predecessor in office. Unless he or she is so removed, the term of each court commissioner shall continue until the expiration of the term of the appointing judge and until the successor of the commissioner is appointed and qualified. Each court commissioner shall take and file the official oath in the office of clerk of the circuit court of the county for which appointed before performing any duty of the office.

SECTION 354. 757.69 (1) (intro.) and (g) of the statutes, as created by chapter 323, laws of 1977, are amended to read:

757.69 (1) (intro.) On authority delegated by a judge, which may be by a standard order, and with the approval of the chief judge, ~~and subject to any rules duly adopted by the county board of judges in counties having a population of 100,000 or more of the judicial administrative district~~, a court commissioner appointed under s. 757.68 may:

- (g) When assigned to ~~juvenile~~ the court assigned jurisdiction under ch. 48, a 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 enter into consent decrees. Waiver hearings under s. 48.18 and dispositional hearings under ss. 48.33 to 48.35 shall be conducted by a ~~juvenile court~~ judge. When acting in an official capacity and assigned to the ~~juvenile children's~~ court center, a court commissioner shall sit at the ~~juvenile children's~~ court center or such other facility designated by the ~~chairperson of the county board of judges~~ chief judge. Any decision by the commissioner shall be reviewed by the judge of the branch of ~~juvenile~~ court to whom ~~which~~ the case has been assigned, upon motion of any party. Any determination, order or ruling by the commissioner may be certified to the branch of ~~juvenile~~ court to whom ~~which~~ such case has been assigned upon a motion of any party for a hearing de novo.

SECTION 355. 757.72 (1), (2), (4) and (5) of the statutes, as created by chapter 323, laws of 1977, are amended to read:

757.72 (1) In counties having a population of 500,000 or more, there is created in the classified civil service the office of probate court commissioner ~~who shall be appointed by the county board~~. In counties having a population of at least 100,000 but not more than 500,000, the county board may create the office of probate court commissioner which may be in the classified civil service.

(2) ~~The county board in counties having a population of 500,000 or more and the judge having~~ Judges assigned probate jurisdiction in counties having a population of at least 100,000 but not more than 500,000 may assign to the probate court commissioners any matters ~~under s. 754.10 over which the judges have jurisdiction~~, and the probate court commissioners may determine such matters and may sign any order or certificate required in such determination.

(4) ~~The county board in~~ In counties having a population of 500,000 or more ~~and the judge having probate jurisdiction in the chief judge of the judicial administrative district shall appoint and may remove probate court commissioners under ss. 63.01 to 63.17~~. In counties having a population of at least 100,000 but not more than 500,000 ~~the chief judge shall be the appointing and supervising authority and may terminate the employment of~~ appoint and may remove any probate court commissioner ~~so appointed~~ if cause is proven. ~~Such probate~~ Probate court commissioners shall be attorneys licensed to practice in this state.

(5) The register in probate of a county shall have the duties and powers of a probate court commissioner and shall act in ~~such that~~ capacity when designated to do so by ~~either judge in counties having a population of 500,000 or more or by the a judge having assigned~~ probate jurisdiction in counties having a population of at least 100,000 but not more than 500,000.

SECTION 356. 757.81 to 757.99 of the statutes are created to read:

757.81 Definitions. In ss. 757.81 to 757.99:

- (1) "Commission" means the judicial commission created by s. 757.83.
- (2) "Disability" means permanent disability or temporary disability.
- (3) "Judge" means a judge of any court established by or pursuant to article VII, section 2 or 14, of the constitution, or a supreme court justice.
- (4) "Misconduct" includes any of the following:
 - (a) Wilful violation of a rule of the code of judicial ethics.
 - (b) Wilful or persistent failure to perform official duties.
 - (c) Habitual intemperance, due to consumption of intoxicating beverages or use of dangerous drugs, which interferes with the proper performance of judicial duties.
 - (d) Conviction of a felony.
- (5) "Panel" means a judicial conduct and disability panel constituted under s. 757.87.
- (6) "Permanent disability" means a physical or mental incapacity which impairs the ability of a judge to substantially perform the duties of his or her judicial office and which is or is likely to be of a permanent or continuing nature.

(7) "Temporary disability", in the case of a municipal court judge or a judge of a court of record other than the supreme court, means a physical or mental incapacity which impairs the ability of the judge to substantially perform the duties of his or her judicial office and which exists or is likely to exist for a period of one year or less. In the case of a supreme court justice, temporary disability means a physical or mental incapacity which impairs the ability of the justice to substantially perform the duties of his or her judicial office and which exists or is likely to exist for a period of 6 months or less.

757.83 Judicial commission. (1) **MEMBERSHIP; APPOINTMENT; TERMS.** (a) There is created a judicial commission of 9 members: 5 nonlawyers nominated by the governor and appointed with the advice and consent of the senate; one trial judge of a court of record and one court of appeals judge appointed by the supreme court; and 2 members of the state bar of Wisconsin, who are not judges, appointed by the supreme court. The commission shall elect one of its members as chairperson.

(b) The term of a member is 3 years, but a member shall not serve more than 2 consecutive full terms. A vacancy is filled by the appointing authority for the unexpired term. Members of the commission shall receive no compensation, but shall be reimbursed for expenses necessarily incurred as members of the commission.

(2) **QUORUM; VOTING.** A majority of the commission constitutes a quorum. The commission may issue a formal complaint or a petition only upon a finding of probable cause by a majority of the total membership not disqualified from voting. A member must be present to vote on the question of probable cause. A member shall not participate in any matter if a judge similarly situated would be disqualified in a court proceeding.

(3) **RULES.** (a) *Authority of judicial commission.* The commission shall promulgate rules under ch. 227 for its proceedings. This subsection does not apply to emergency rules adopted under s. 227.027.

(b) *Role of legislative council.* Prior to any public hearing on a proposed rule under this section, or if no public hearing is required, prior to notification of the standing committees, the commission shall submit the proposed rule to the legislative council for review. The legislative council shall act as a clearing house for rule drafting and cooperate with the commission and the revisor to:

1. Review the statutory authority under which the commission intends to adopt the rule. The legislative council shall notify the commission, the joint committee for the review of administrative rules and the appropriate standing committee when the statutory authority is eliminated or significantly changed by repeal, amendment, court decision or for any other reason.

2. Ensure that the procedures for the promulgation of a rule required by this subsection and ch. 227 are followed.

3. Review proposed rules for form, style and placement in the administrative code.

4. Review proposed rules to avoid conflict with or duplication of existing rules.

5. Review proposed rules to provide adequate references to relevant statutes, related rules and forms.

6. Streamline and simplify the rule-making process.

7. Review proposed rules for clarity, grammar and punctuation and to ensure plain language.

8. Review proposed rules to determine potential conflicts and to make comparisons with federal regulations.

(c) *Legislative council to assist standing committees.* The legislative council shall work with and assist the appropriate standing committees throughout the rule-making process. The legislative council may issue recommendations concerning any proposed rule which the commission submits under this section.

(d) *Notification of standing committees.* The commission shall notify appropriate standing committees when proposed rules under this section are in final draft form by submitting a notice to the presiding officer in each house. Each presiding officer shall refer the notice to one standing committee. The commission may withdraw a proposed rule by notifying the presiding officer in each house of the legislature of its intention not to promulgate the rule.

(e) *Form of notice.* The notice shall include the proposed rule in a form complying with s. 227.024 (1).

(f) *Standing committee review.* 1. A committee may be convened upon the call of its chairperson or a majority of its members to review a proposed rule. A committee may meet separately or jointly with the other committee to which the notice is referred, direct the commission to attend the meeting and hold public hearings to review the proposed rule.

2. The standing committee review period lasts for 30 days after the notice is submitted and if within the 30-day period a standing committee directs the commission to meet with it to review the proposed rule, the standing committee review period is extended for 30 days from the date of that request.

3. The commission may not promulgate a proposed rule during the standing committee review period unless both committees approve the rule prior to the expiration of that period.

4. Either standing committee may disapprove the proposed rule or part of a proposed rule by taking action in executive session to disapprove the rule within the standing committee review period. If both committees fail to take this action, the proposed rule is not disapproved and the commission may promulgate the rule.

(g) *Joint committee for the review of administrative rules.* 1. If either standing committee disapproves a proposed rule or part of a proposed rule, the proposed rule or its part shall be referred to the joint committee for the review of administrative rules.

2. The joint committee review period lasts for 30 days after the proposed rule is referred and the joint committee shall meet and take action in executive session during that period.

3. The commission may not promulgate a proposed rule or its part which is disapproved by a standing committee unless the proposed rule is approved by the joint committee for the review of administrative rules or until the bill in subd. 5 fails of enactment. The commission may promulgate portions of the rule which were not suspended, if the committee disapproved only parts of the rules.

4. The joint committee for the review of administrative rules may reverse the standing committee disapproval by taking action to approve the rule within the joint committee review period. The joint committee may uphold the standing committee disapproval by taking action to disapprove the rule within the joint committee review period. The joint committee may remand the proposed rule to the commission for further consideration or public hearings or both. If the joint committee disapproves a proposed rule, the commission may not promulgate the proposed rule until the bill in subd. 5 fails of enactment.

5. When the joint committee for the review of administrative rules disapproves a proposed rule or portion of the proposed rule, the committee shall as soon as possible place before the legislature, a bill to support the disapproval. If such bill is defeated, or fails of enactment in any other manner, the proposed rule or portion of the proposed rule may be promulgated. If the bill becomes law, the proposed rule or portion of the proposed rule, may not be promulgated unless a properly enacted law specifically authorizes the adoption of that rule.

757.85 Investigation; prosecution. (1) The commission shall investigate any possible misconduct or disability of a judge or justice. Misconduct constitutes cause under article VII, section 11 of the constitution.

(2) The commission may issue subpoenas to compel the attendance and testimony of witnesses and to command the production of books, papers, documents or tangible things designated in the subpoena in connection with an investigation under this section.

(3) The commission may notify a judge that the commission is investigating possible misconduct by or disability of the judge. Before finding probable cause, the commission shall notify the judge of the substance of the complaint or petition and afford the judge a reasonable opportunity to respond. If the judge responds, the commission shall consider the response before it finds probable cause.

(4) The commission may require a judge who is under investigation for disability to submit to a medical examination arranged by the commission.

(5) The commission shall upon a finding of probable cause that a judge has engaged or is engaging in misconduct, file a formal complaint with the supreme court. Upon a finding of probable cause that a judge has a disability, the commission shall file a petition with the supreme court. If the commission requests a jury under s. 757.87 (1), the request shall be attached to the formal complaint or the petition.

(6) The commission shall prosecute any case of misconduct or disability in which it files a formal complaint or a petition.

(7) Insofar as practicable, the procedures applicable to civil actions apply to proceedings under ss. 757.81 to 757.99 after the filing of a complaint or petition.

757.87 Request for jury; panel. (1) After the commission has found probable cause that a judge has engaged in misconduct or has a disability, and before the commission files a formal complaint or a petition under s. 757.85 (5), the commission may, by a majority of its total membership not disqualified from voting, request a jury hearing. If a jury is not requested, the matter shall be heard by a panel constituted under sub. (3). The vote of each member on the question of a jury request shall be recorded and shall be available for public inspection under s. 19.21 after the formal complaint or the petition is filed.

(2) If a jury is requested under sub. (1), the hearing under s. 757.89 shall be before a jury selected under s. 805.08. A jury shall consist of 6 persons, unless the commission specifies a greater number, not to exceed 12. Five-sixths of the jurors must agree on all questions which must be answered to arrive at a verdict. A court of appeals judge shall be selected by the chief judge of the court of appeals to preside at the hearing, on the basis of experience as a trial judge and length of service on the court of appeals.

(3) A judicial conduct and disability panel shall consist of 3 court of appeals judges. Each judge shall be from a different court of appeals district. The chief judge of the court of appeals shall select the judges according to seniority based on length of service as a court of appeals judge and designate which shall be presiding judge. If 2 or more court of appeals judges have identical seniority, the chief judge shall choose which judge or judges shall sit on the panel.

757.89 Hearing. A record shall be kept of any hearing on a formal complaint or a petition. The allegations of the complaint or petition must be proven to a reasonable certainty by evidence that is clear, satisfactory and convincing. The hearing shall be held in the county where the judge resides unless the presiding judge changes venue for cause shown or unless the parties otherwise agree. If the hearing is by a panel, the panel shall make findings of fact, conclusions of law and recommendations regarding appropriate discipline for misconduct or appropriate action for disability and file the findings, conclusions and recommendations with the supreme court. If a jury hearing is requested under s. 757.87 (1), the presiding judge shall instruct the jury regarding the law applicable to judicial misconduct or disability, as appropriate. The presiding judge shall file the jury verdict and his or her recommendations regarding appropriate discipline for misconduct or appropriate action for disability with the supreme court.

757.91 Supreme court; disposition. The supreme court shall review the findings of fact, conclusions of law and recommendations under s. 757.89 and determine

appropriate discipline in cases of misconduct and appropriate action in cases of disability. The rules of the supreme court applicable to civil cases in the supreme court govern the review proceedings under this section.

757.93 Confidentiality of proceedings. (1) All proceedings under ss. 757.81 to 757.99 relating to misconduct or disability prior to the filing of a petition or formal complaint by the commission are confidential unless a judge waives the right to confidentiality in writing to the commission.

(2) If prior to the filing of a formal complaint or a petition an investigation of possible misconduct or disability becomes known to the public, the commission may issue statements in order to confirm the pendency of the investigation, to clarify the procedural aspects of the disciplinary proceedings, to explain the right of the judge to a fair hearing without prejudgment, to state that the judge denies the allegations or to state that an investigation has been completed and no probable cause was found.

(3) The petition or formal complaint filed under s. 757.85 by the commission and all subsequent hearings thereon are public.

757.94 Privilege; immunity. (1) A complaint or communication alleging judicial misconduct or disability with the commission, commission staff or panel and testimony in an investigation under this section is privileged.

(2) A presiding judge or a member of the commission, commission staff or panel is immune from civil liability for any conduct in the course of the person's official duties under ss. 757.81 to 757.99.

757.95 Temporary suspension by supreme court. The supreme court may, following the filing of a formal complaint or a petition by the commission, prohibit a judge from exercising the powers of a judge pending final determination of the proceedings.

757.97 Temporary vacancies. (1) If the supreme court determines that a judge has a temporary disability, a temporary vacancy exists.

(2) When a temporary vacancy exists in the office of a judge of a court of record other than the supreme court, the chief justice shall appoint, pursuant to article VII, section 24 of the constitution, a reserve judge to assume the duties of the office.

(3) When a temporary vacancy exists, the incumbent judge continues to receive the salary and other benefits to which entitled for the balance of his or her term or until the temporary vacancy terminates, whichever first occurs. The person appointed to serve temporarily shall be reimbursed for the period of temporary service under s. 20.625 or 20.660, whichever is applicable, as specified in s. 753.075 (3).

757.99 Attorney fees. A judge against whom a petition alleging disability is filed by the commission shall be reimbursed for reasonable attorney fees if the judge is found not to have a disability. A judge against whom a formal complaint alleging misconduct is filed by the commission and who is found not to have engaged in misconduct may be reimbursed for reasonable attorney fees.

SECTION 357. 758.13 (1) of the statutes, as affected by chapters 187 and 325, laws of 1977, is amended to read:

758.13 (1) MEMBERSHIP; APPOINTMENT; TERMS. There is created a judicial council of 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 his or her designee; ~~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~~ 4 circuit judges designated by the judicial conference; the chairpersons of the senate and the assembly committees dealing with judicial affairs or a member of each such committee designated by the respective chairperson; the attorney general or his or her designee; 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 designated by the 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 to serve 3-year terms; and 2 citizens at large appointed by the governor to 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. Members 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 council meetings.

SECTION 358. 758.15 of the statutes, as affected by chapter 187, laws of 1977, is repealed and recreated to read:

758.15 Administrative committee of the courts. (1) The chief justice of the supreme court, or such other justice as the supreme court may designate; one judge of the court of appeals selected by the court of appeals; 13 circuit judges, with one judge elected by the judges of each of judicial administrative districts 2 to 4 and 6 to 10, with 2 judges elected by the judges of judicial administrative district 5 and 3 judges elected by the judges of judicial administrative district 1; 2 persons selected by the board of governors of the state bar; and 3 nonlawyers selected by the chief justice, one of whom shall be an elected county official, shall constitute the administrative committee of the courts. The chief justice or, if applicable, the justice designated by the supreme court shall serve as chairperson.

(2) The administrative committee shall meet at the call of its 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 advise the supreme court regarding the expeditious handling of judicial matters in the future.

SECTION 359. 758.17 (1), (2) and (4) of the statutes, as affected by chapter 187, laws of 1977, are amended to read:

758.17 (1) There is constituted the judicial conference of Wisconsin, 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. In this section, "conference" means the judicial conference of Wisconsin.

(2) The conference shall meet once each year in regular session at a place and time to be designated by the administrative committee ~~for the court system of Wisconsin as created by s. 758.15 of the courts~~, subject to the approval or direction of the supreme court. The administrative committee, with the approval of the supreme court, may call any special meeting of the conference ~~if, in its discretion, there is sufficient urgency for so doing~~.

(4) The administrative committee may appoint ~~such other committees as it deems necessary~~ to plan for the annual meeting or special meeting of the conference and its agenda. The agenda for each annual meeting shall be submitted for approval to the supreme court by the administrative committee at least 60 days prior to ~~such the~~ annual meeting. The judicial conference may divide into functional sections and create subcommittees to study identified topics.

SECTION 360. 758.17 (5) (d) and (e) of the statutes are created to read:

758.17 (5) (d) To adopt uniform forms necessary for the administration of proceedings under chs. 851 to 882. 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 all registers in probate.

(e) To adopt uniform forms necessary for the administration of juvenile matters under ch. 48. Duly authorized 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 clerks of circuit court.

SECTION 361. 758.19 (7) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

758.19 (7) GOVERNING BODY FOR COURTS. The administrative director shall 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~~.

SECTION 362. 758.27 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 363. 758.29 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 364. 758.31 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 365. 758.35 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 366. 758.37 of the statutes, as affected by chapter 187, laws of 1977, is repealed.

SECTION 367. 801.01 (2) of the statutes is amended to read:

801.01 (2) SCOPE. The sections in ~~this title~~ chs. 801 to 847 govern procedure and practice in circuit and county courts of ~~the this state of Wisconsin~~ in all civil actions and special proceedings whether cognizable as cases at law, in equity or of statutory origin except where different procedure is prescribed by statute or rule. ~~They~~ The sections shall be construed to secure the just, speedy and inexpensive determination of every action and proceeding.

SECTION 368. 801.15 (3) of the statutes is repealed.

SECTION 369. 801.54 (intro.) of the statutes is amended to read:

801.54 Change of venue, grounds for. (intro.) The court ~~or the presiding judge thereof~~ may change the place of trial in the following cases:

SECTION 370. 801.55 of the statutes is repealed.

SECTION 371. 801.58 (1) of the statutes, as affected by chapter 135, laws of 1977, and the supreme court order dated March 14, 1978, effective July 1, 1978, is amended to read:

801.58 (1) Any party to a civil action or proceeding may file a written request, signed personally or by his or her attorney, with the clerk of courts for a substitution of a new judge for the judge assigned to the case. The written request shall be filed preceding the hearing of any preliminary contested matters and ~~(a)~~, if by the plaintiff, not later than 60 days after the summons and complaint are filed or ~~(b)~~, if by any other party, not later than 60 days after service of a summons and complaint upon that party. If a new judge is assigned to the trial of a case, a request for substitution must be made within 10 days of receipt of notice of assignment, provided that if the notice of assignment is received less than 10 days prior to trial, the request for substitution must be made within 24 hours of receipt of the notice and provided that if notification is received less than 24 hours prior to trial, the action shall proceed to trial only upon stipulation of the parties that the assigned judge may preside at the trial of the action. Upon filing the written request, the filing party shall forthwith mail a copy thereof to all parties to the action and to the named judge.

SECTION 372. 801.62 of the statutes is amended to read:

801.62 Conclusiveness of change of venue; second motion. After trial ~~had~~ in the court to which the action has been changed, the proceedings for ~~such the~~ change shall be conclusive unless a motion to remand was made before ~~such the~~ trial ~~was entered upon commences~~. If after the transmission of the papers an order changing the place of trial ~~shall be~~ is reversed or set aside the effect shall be to change the place of trial back. After the transmission of the papers back to the original court on ~~such the~~ reversal or setting aside of the order, a party may renew the application for a change of venue ~~at the first term of court after the return of the papers; and such~~ within 20 days. The renewed application shall be treated as the original application.

SECTION 373. 803.01 (3) (b) 1 of the statutes is amended to read:

803.01 (3) (b) 1. The guardian ad litem shall be appointed by a circuit ~~or a~~ county court of the county where the action is to be commenced or is pending.

SECTION 374. 806.04 (11) of the statutes is amended to read:

806.04 (11) PARTIES. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration ~~shall~~ may prejudice the right of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, ~~such the~~ municipality shall be made a party, and shall be entitled to be heard, ~~and if the.~~ If a statute, ordinance or franchise is alleged to be unconstitutional, the attorney general shall also be served with a copy of the proceeding and be entitled to be heard. In any proceeding under this section in which the constitutionality, construction or application of any provision of ch. 227, or of any statute allowing a legislative committee to suspend, or to delay or prevent the adoption of, a rule as defined in s. 227.01 (9) is placed in issue by the parties, the joint committee for review of administrative rules shall be served with a copy of the petition and, with the approval of the joint committee on legislative organization, shall be made a party and be entitled to be heard. In any proceeding under this section in which the constitutionality, construction or application of any provision of ch. 13, 20, 111, 227 or 230 or subch. I, III or IV of ch. 16, or of any statute allowing a legislative committee to suspend, or to delay or prevent the adoption of, a rule as defined in s. 227.01 (9) is placed in issue by the parties, the joint committee on legislative organization shall be served with a copy of the petition and the joint committee on legislative organization, the senate committee on organization or the assembly committee on organization may intervene as a party to the proceedings and be heard.

SECTION 375. 807.02 of the statutes is amended to read:

807.02 Motions, where heard; stay or proceedings. Motions in actions or proceedings in the circuit court must be heard within the circuit where the action is triable; ~~in county courts, within their territorial jurisdiction.~~ Orders out of court, not requiring notice, may be made by the presiding judge of the court in any part of the state. No order to stay proceedings after a verdict, report or finding in any circuit court ~~shall~~ may be made by a ~~county judge or court commissioner, or in any county court by a court commissioner.~~ No stay of proceedings for more than 20 days ~~shall~~ may be granted except upon previous notice to the adverse party.

SECTION 375m. 809.01 (1) of the statutes, as created by the supreme court order dated May 1, 1978, effective July 1, 1978, is amended to read:

809.01 (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.

SECTION 376. 814.13 of the statutes is amended to read:

814.13 Referee; court to fix and allow fees. After the trial of any issue by a referee pursuant to a compulsory reference for that purpose his or her fees and expenses shall be fixed by the court in which his or her report has been filed and paid by the ~~county~~ state as other circuit court expenses are paid. In all other cases the compensation of referees shall be ~~three dollars~~ \$3 for each day necessarily occupied with the business of the reference; but the parties may agree in writing upon any other rate of compensation.

SECTION 377. 814.21 (1) (intro.) of the statutes is amended to read:

814.21 (1) (intro.) In each civil action, special proceeding, except probate proceedings, and cognovit judgment in the circuit ~~or county~~ court, excluding all ~~probate matters brought into the probate branches,~~ a suit tax of \$11 shall be paid at the time the action is commenced, except that:

SECTION 378. 814.21 (4) of the statutes is amended to read:

814.21 (4) The suit tax paid in circuit court shall be paid into the state treasury ~~after any credits are applied for transfer of cases to the county court, in which case the rule governing remittance from the county court shall apply. The suit tax paid in county courts shall be paid one half into the state treasury and one half into the county treasury after any credit for transfer of cases to circuit court.~~

SECTION 379. 814.22 (1) (f) of the statutes is repealed.

SECTION 380. 814.22 (1) (h) of the statutes is renumbered 814.22 (1) (f) and amended to read:

814.22 (1) (f) All charges for subpoenaing witnesses in any criminal case or proceedings and which are a proper charge against the county. The fees of such officers, ~~and jurors and reporter to~~ shall be estimated for each day and part of a day, not less than half a day, occupied in disposing of any such action.

SECTION 381. 814.25 (intro.) of the statutes is amended to read:

814.25 Court costs, repaid counties. (intro.) In any civil action or proceeding tried in a circuit ~~or county~~ court of this state, either by or against the state or any of the state officers in their official ~~capacity~~ capacities, or any of the state commissions, under the provisions of the statutes, there shall be repaid out of the state treasury to ~~said the~~ county upon the certificate of the ~~presiding~~ judge and the clerk of ~~said the~~ court and the approval of the attorney general and the audit of the department of administration:

SECTION 382. 815.63 of the statutes is amended to read:

815.63 Sheriff's deed; writ of assistance. Whenever title has been perfected to any real estate sold on execution, or to any part ~~thereof~~ or interest ~~therein in the real estate~~, and the defendant in execution or any other person claiming under ~~him the defendant~~ by title accruing subsequently to the docketing of the judgment upon which it issued shall be in possession of ~~any such that~~ real estate or part ~~thereof~~ or interest ~~therein in that real estate~~, and upon demand of the person in whom such title has been perfected, ~~shall refuse~~ refuses to surrender the possession ~~he the person~~ may apply to the court from which the execution issued ~~or the presiding judge thereof~~, by verified petition, for a writ of assistance to obtain possession. A copy of ~~such this~~ petition, with a notice of the time and place when and where the ~~same petition~~ will be presented, must be served upon the person against whom the writ is prayed at least ~~ten~~ 10 days before the ~~same petition~~ is presented; ~~such the~~ petition may be served as a summons in an action in the circuit court. The court ~~or such judge~~ may direct such writ to issue, and the ~~same writ~~ shall be executed and return made in ~~like the same~~ manner as upon a sale upon a judgment for foreclosure of a mortgage.

SECTION 383. 822.15 (1) of the statutes is amended to read:

822.15 (1) A certified copy of a custody decree of another state may be filed in the office of the clerk of any ~~county or~~ circuit court of this state. The clerk shall treat the decree in the same manner as a custody decree of a ~~county or~~ circuit court of this state. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a circuit court of this state.

SECTION 384. 822.16 (intro.) of the statutes is amended to read:

822.16 Registry of out-of-state custody decrees and proceedings. (intro.) The clerk of each ~~county and~~ circuit court shall maintain a registry in which he or she shall enter the following:

SECTION 385. 822.17 of the statutes is amended to read:

822.17 Certified copies of custody decree. The clerk of a ~~county or~~ circuit court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, shall certify and forward a copy of the decree to that court or person.

SECTION 386. 823.10 of the statutes is amended to read:

823.10 Disorderly house, action for abatement. ~~Whenever~~ If a nuisance, as defined in s. 823.09, exists the district attorney or any citizen of the county may maintain an action in the circuit ~~or county~~ court in the name of the state to abate the nuisance and to perpetually enjoin every person guilty thereof from continuing, maintaining or permitting ~~such the~~ nuisance. All temporary injunctions issued in ~~such the~~ actions begun by district attorneys shall be issued without requiring the undertaking specified

in s. 813.06, and in actions instituted by citizens it shall be discretionary with the court or presiding judge to issue them without ~~such the~~ undertaking. The conviction of any person, of the offense of lewdness, assignation, or prostitution committed in the building or part of a building, erection or place shall be sufficient proof of the existence of a nuisance in ~~such the~~ building or part of a building, erection or place, in an action for abatement commenced within 60 days after the conviction.

SECTION 387. 847.03 (1) of the statutes is amended to read:

847.03 (1) ~~When~~ If all or part of the area of any city block is affected by restrictive deed provisions, restrictive covenants or agreements, ~~and when~~ if the first restriction affecting the property has existed for 30 years or more, and ~~when~~ if 75% or more of the area of the city block has not been developed with buildings of the type allowed by the restrictions, the owner of any part of the block may commence an action in the circuit ~~or county~~ court of the county where the land lies to remove the restrictive deed provisions, restrictive covenants or agreements. All adjacent property owners shall be named as defendants and shall be served with a copy of the complaint.

SECTION 388. 847.07 of the statutes is amended to read:

847.07 Correction of description in conveyance. The circuit court ~~or county court~~ of any county in which a conveyance of real estate has been recorded may make an order correcting the description in ~~such the~~ conveyances on proof being made to the satisfaction of the court that ~~such the~~ conveyance contains an erroneous description, not intended by the parties thereto; or ~~when~~ if the description is ambiguous and does not clearly or fully describe the premises intended to be conveyed, if the grantor therein is dead, a nonresident of the state, a corporation which has ceased to exist or an administrator, executor, guardian, trustee or other person authorized to convey and has been discharged from his or her trust and the person to whom it was made, his or her heirs, legal representatives or assigns have been in the quiet, undisturbed and peaceable possession of the premises intended to be conveyed from the date of ~~such the~~ conveyance; ~~but this.~~ This section shall does not prevent an action for the reformation of any conveyance, and if in any doubt, the court shall direct ~~such the~~ action to be brought.

SECTION 389. 847.09 of the statutes is amended to read:

847.09 Discharge of mortgage or lien by court. The circuit court of any county ~~or the county court of any county having a population of less than 500,000,~~ in which a mortgage, lien or charge is recorded may make an order discharging ~~such the~~ mortgage, lien or charge of record on proof being made to the satisfaction of the court that the mortgage, lien or charge has been fully paid or satisfied and that the mortgagee or the owner of the lien or charge or his or her assignee is a corporation which has ceased to exist or which has no officer or agent in ~~the this~~ state of ~~Wisconsin~~ competent to discharge the same of record or that the mortgagee or the owner of the lien or charge or his or her assignee is a nonresident of the county where ~~such the~~ mortgage, lien or charge is recorded, or is deceased, and in such case, that there is no administrator ~~on his~~ of the estate under the authority of this state. The register of deeds shall record ~~such the~~ order or a copy thereof, certified by the clerk under the seal of the court, and ~~such the~~ record shall have the same effect as the record of discharge by a mortgagee or owner of a lien or charge duly executed and acknowledged.

SECTION 390. 851.04 of the statutes is created to read:

851.04 Court. "Court" means the circuit court or judge assigned to exercise probate jurisdiction.

SECTION 391. 851.25 of the statutes is repealed.

SECTION 391g. 851.55 (1) of the statutes, as affected by chapter 214, laws of 1977, is amended to read:

851.55 (1) ~~Where~~ If the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he or she had survived, except as provided otherwise in this section ~~or in s. 851.58.~~

SECTION 391m. 851.58 of the statutes, as created by chapter 214, laws of 1977, is repealed.

SECTION 392. 851.70 to 851.75 of the statutes are created to read:

851.70 Presumption in favor of orders. When the validity of any order or judgment of a circuit court in a probate proceeding or certificate to terminate a life estate or joint tenancy in an inheritance tax proceeding, shall be drawn in question in another action or proceeding, everything necessary to have been done or proved to render the order, judgment or certificate valid, and which might have been proved by parole evidence at the time of making the order or judgment and was not required to be recorded, shall, after 20 years from that time, be presumed to have been done or proved unless the contrary appears on the same record.

851.71 Appointment and compensation of registers in probate. (1) In each county, the judges of the county shall appoint and may remove a register in probate. Appointments and removals may be made only with the approval of the chief judge. Before entering upon duties, the register in probate 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.

(2) One or more deputies may be appointed in the manner specified in sub. (1).

(3) The salary of the register in probate and of any deputies shall be fixed by the county board and paid by the county.

(4) In counties having a population of 500,000 or more, the appointment under subs. (1) and (2) shall be made as provided in those subsections but the judges shall not remove the register in probate and deputy registers, except through charges for dismissal made and sustained under s. 63.10.

851.72 Duties of registers in probate. The register in probate shall:

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

(2) Keep a court record of every proceeding in the court under chs. 851 to 880 under its proper title, a brief statement of the nature of the proceeding and of all papers filed therein, with the date of filing and a reference to where minute records can be found or to the microfilm file where papers have been recorded so that the court record is a complete index or brief history of each proceeding from beginning to final disposition.

(3) Keep a minute record and enter therein a brief statement of all proceedings of the court under chs. 851 to 880 during its sessions, all motions made and by whom, all orders granted in open court or otherwise, and the names of all witnesses sworn or examined. If this information is all included in the court record, the judge may direct that the minute record be no longer kept.

(4) Keep a record in full of all wills admitted to probate with the certificate of probate, all letters and all judgments rendered. The judge may require any other documents to be recorded therein. Any documents may be recorded on microfilm. These records shall be kept irrespective of s. 59.715 (20) (c) unless recorded on microfilm.

(5) Keep an alphabetical index to the court record and the file containing the original documents or microfilm copies thereof.

(6) Perform any other administrative duties as the judge directs.

(7) Except in counties having a population of 500,000 or more, perform the duties of clerk of the court assigned to exercise jurisdiction under ch. 48 unless these duties are performed by a person appointed under s. 48.04.

(8) When appointed deputy clerk under s. 851.75, perform such duties as the clerk of circuit court directs.

(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. The register in probate shall appoint under ss. 63.01 to 63.16 as many deputy clerks as may be authorized by the county board, provided that the appointments shall be approved by the judge which the deputy shall serve. The deputy clerks shall aid the register in probate and deputy registers in probate in the discharge of their duties.

851.73 Powers of registers in probate. (1) The register in probate:

(a) May make orders for hearings when the judge is away from the county seat or unable to discharge duties or when given authority in writing by the judge and an application is made to the court in a proceeding under chs. 851 to 880 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.

(b) Has the same powers as clerks of court to certify copies of papers, records and judicial proceedings. Copies certified by registers in probate are receivable in evidence as if certified by clerks of court.

(c) Has the power to administer any oath required by law.

(d) Has, when appointed for this purpose, the powers of deputy clerks as provided in s. 59.38.

(e) Has, when appointed for this purpose, the powers and duties of court reporters and assistant reporters specified in s. 757.55.

(2) Subsection (1) applies to duly authorized deputy registers in probate.

851.74 Fees in probate matters. (1) The register in probate shall collect the following fees:

(a) For filing a petition whereby any proceeding in estates of deceased persons is commenced, when the gross estate or value of the property is \$1,000 or less, no fee; when the gross estate is more than \$1,000 and less than \$10,000, a fee of \$3; when the gross estate is \$10,000 or more and less than \$25,000, a fee of \$6; when the gross estate is \$25,000 or more and less than \$50,000, a fee of \$25; when the gross estate is \$50,000 or more and less than \$75,000, a fee of \$50; when the gross estate is \$75,000 or more and less than \$100,000, a fee of \$75; when the gross estate is \$100,000 or more and less than \$200,000, a fee of \$100; and for each succeeding \$100,000 or fraction thereof, an additional fee of \$100. The fees shall be paid at the time of the filing of the inventory or other documents setting forth the value of the estate in the proceedings, and shall apply to inventories filed in testamentary trusts and to the proceeds passing by virtue of revocable inter vivos trusts. The fees fixed in this paragraph shall also be paid in survivorship proceedings, and in the survivorship proceedings the value shall be based on the value of the property passing to the survivors.

(b) For a certificate terminating a life estate or homestead interest, \$3, but the fee shall not be collected if the termination is consolidated with probate or administration proceedings.

(c) For a certificate or judgment of descent of lands the same fees shall be charged and collected as are charged in estate proceedings in par. (a) based upon the valuation of the property passing by the certificate or judgment of descent.

(d) For filing objections to the probate of a will, \$10, except that this fee may be waived by the court when objection is filed by a guardian ad litem or attorney for a person in military service. The court may order a refund of the fee to the objector from the assets of the estate.

(e) For receiving a will for safekeeping, except under s. 856.05 (1), \$5.

(f) For each certificate issued by the registers in probate or county judges, 50 cents.

(g) For copies of records or other papers in the custody and charge of registers in probate at the rate of 50 cents a page; and for the comparison and attestation of such copies as are not provided by the registers, 50 cents for each page, but the minimum charge in each of the above mentioned instances is \$1, including the certificate.

(h) In counties having a population of 500,000 or more, for filing claims against estates, \$1, except that the state or the political subdivisions thereof and bureaus and boards of the state and its political subdivisions shall be exempt from the payment of this fee.

(2) For purposes of determining fees payable under sub. (1), the following shall apply:

(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.

(b) Life insurance, retirement benefits or annuities are excluded unless paid or payable to the estate or personal representative in which case they are included.

(c) When survivorship proceedings are pursued independent of probate or administration, a fee shall be collected for each, such fee not to be less than that payable if the proceedings were consolidated.

(d) Proceedings to administer assets subsequent to entry of final judgment in an estate are subject to fees as separate proceedings which fees shall not be less than those which would have been chargeable if the assets had been included in the original proceedings.

(e) The value of decedent's interest in real estate shall be diminished by the unpaid balance on duly recorded or filed liens and mortgages.

(f) Special administrations are subject to filing fees, the fees to be credited upon fees for subsequent general administration or probate.

(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 that day. Each county treasurer shall make a report under oath to the state treasurer on or before the 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 those months and shall at the same time pay 65% of 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.

851.75 Register in probate may be appointed deputy clerk. With the written approval of the chief judge of the judicial administrative district, the circuit judges for the county may appoint the register in probate a deputy clerk. Appointments by the circuit judges under this section shall be revocable by the circuit judges, subject to the approval of the chief judge, at pleasure. The appointments and revocations shall be in writing and shall be filed in the clerk's office.

SECTION 392m. 852.01 (2) of the statutes, as affected by chapter 214, laws of 1977, is amended to read:

852.01 (2) (title) REQUIREMENT THAT HEIR SURVIVE DECEDENT FOR A CERTAIN TIME. If any person who would otherwise be an heir under sub. (1) dies within 72 hours of the time of death of the decedent, ~~or within 30 days of the time of death if the person is the spouse of the decedent,~~ the net estate not disposed of by will passes under this section as if that person had predeceased the decedent. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by at least 72 hours ~~or by 30 days, whichever is applicable,~~ it is presumed that the person died within 72 hours ~~or within 30 days, whichever is applicable,~~ of the decedent's death. In computing time for purposes of this subsection, local standard time at the place of death of the decedent is used.

SECTION 393. 853.09 (title) and (1) of the statutes are amended to read:

853.09 (title) Deposit of will in circuit court during testator's lifetime. (1) DEPOSIT OF WILL. Any testator may deposit his or her will with the register in probate of the ~~county~~ court of the county where he or she resides. The will shall be sealed in an

envelope with the name and address of the testator, ~~his address~~, and the date of deposit noted thereon. If the will is deposited by a person other than the testator, that fact also shall be noted on the envelope. The size of the envelope may be regulated by the register in probate to provide uniformity and ease of filing.

SECTION 395. 856.01 (2) of the statutes is amended to read:

856.01 (2) If the decedent had no domicile in this state, in any county in this state where property of the decedent is located, and the ~~probate~~ court which first exercises jurisdiction under this subsection has exclusive jurisdiction.

SECTION 396. 856.03 of the statutes is amended to read:

856.03 Wills in court for safekeeping. ~~When~~ If a will has been filed with a ~~probate~~ court for safekeeping during the testator's lifetime, the court on learning of the death of the testator shall open the will and give notice of the court's possession to the executor named in the will, otherwise to some person interested in the provisions thereof. If probate jurisdiction belongs to any other court, the will shall be delivered to that court.

SECTION 397. 856.05 of the statutes is amended to read:

856.05 Delivery of will to court. (1) DUTY AND LIABILITY OF PERSON WITH CUSTODY. Every person, other than the executor, having the custody of any will shall, within 30 days after he or she has knowledge of the death of the testator, file ~~it~~ the will in the proper ~~probate~~ court or deliver it to the person named as executor ~~therein in the will~~. Every person named as executor shall, within 30 days after he or she has knowledge that he or she is named executor, and has knowledge of the death of the testator, file ~~such~~ the will in the proper ~~probate~~ court, unless the will has been otherwise deposited with the court. Every person who neglects to perform any of the duties required in this subsection, without reasonable cause, is liable in a proceeding in ~~probate~~ court to every person interested in the will for all damages caused by ~~his~~ the neglect.

(2) DUTY OF PERSON WITH INFORMATION. Any person having information which would reasonably lead him or her to believe in the existence of any will of a decedent of which he or she does not have custody and having information that no more recent will of the deceased has been filed with the ~~probate~~ court and that 30 days have elapsed after the death of the decedent, shall submit this information to the ~~judge of the proper probate~~ court within 30 days after he or she has the information.

(3) PENALTY. Any person who with intent to injure or defraud any person interested therein suppresses or secretes any will of a person then deceased or any information as to the existence or location of any will or having custody of any will fails to file it in the ~~probate~~ court or to deliver it to the executor named therein shall be punished by the ~~probate~~ court by imprisonment in the county jail for not more than one year or by fine not to exceed \$500 or both.

(4) LIABILITY FOR NEGLIGENCE. If any person has custody of any will after the death of the testator and after a petition for administration has been filed, neglects without reasonable cause to deliver the will to the proper ~~probate~~ court after he or she has been duly notified in writing by the court for that purpose, he or she may be committed to the county jail by warrant issued by the court and there kept in close confinement until he or she delivers the will as required.

SECTION 398. 856.15 (2) of the statutes is amended to read:

856.15 (2) PROOF OUTSIDE THE COUNTY. Upon request of the petitioner or ~~his~~ the petitioner's attorney the ~~judge of the probate~~ court in which the estate is pending may by order direct that proof of heirs or proof of will, if uncontested, may be taken in open court ~~by the probate judge of~~ in any county in this state, or by a judge having probate jurisdiction in any other state or territory of the United States, for use in the court in which the estate is pending.

SECTION 399. 856.17 of the statutes is amended to read:

856.17 Lost will, how proved. ~~Whenever~~ If any will is lost, destroyed by accident or destroyed without the testator's consent the ~~probate~~ court has power to take proof of the execution and validity of the will and to establish the same. The petition for the probate of the will shall set forth the provisions thereof.

SECTION 400. 857.05 (2) and (3) of the statutes are amended to read:

857.05 (2) **SERVICES.** Subject to the approval of the court the personal representative shall be allowed for his or her services commissions computed on the inventory value of the property for which the personal representative is accountable less any mortgages or liens plus net corpus gains in the estate proceedings at the rate of 2%; and such further sums in cases of unusual difficulty or extraordinary services as the ~~probate~~ court ~~judges~~ determines reasonable. If a personal representative is derelict in ~~his~~ duty, his or her compensation for services may be reduced or denied.

(3) (title) **ATTORNEY FEES AND COMMISSIONS.** If the personal representative or any law firm with which the personal representative is associated also serves as attorney for the decedent's estate, the ~~probate~~ court may allow him or her either executor's commissions, (including sums for any extraordinary services as set forth ~~above~~ in sub. (2)) or ~~attorney's~~ attorney fees. The court may allow both executor's commissions and ~~attorney's~~ attorney fees, and shall allow both if the will of the decedent authorizes the payments to be made.

SECTION 401. 857.09 of the statutes is amended to read:

857.09 Procedure which may be followed when personal representative fails to perform. ~~When~~ If a personal representative fails to perform an act or file a document within the time required by statute or order of the ~~probate~~ court the ~~judge may~~ court upon ~~his~~ its own motion or upon the petition of any person interested ~~may~~ order the personal representative for the estate and his or her attorney to show cause why the act has not been performed or the document has not been filed and shall mail a copy of the order to the sureties on the bond of the personal representative. If cause is not shown the ~~judge~~ court shall determine who is at fault. If both are at fault, the ~~judge~~ court may dismiss both and ~~forthwith~~ then appoint a personal representative and appoint an attorney acceptable to the personal representative to complete the administration of the estate. If only the personal representative is at fault, he or she may be summarily dismissed and in that event the ~~judge~~ court shall ~~forthwith~~ then appoint another personal representative to complete the administration and close the estate. If only the attorney is at fault, the ~~judge~~ court may dismiss ~~him~~ the attorney and instruct the personal representative to employ another attorney; if the personal representative fails to employ another attorney within 30 days, the ~~judge~~ court shall appoint an attorney. No other procedure for substitution of attorney is required in such cases. The procedure set forth in this section is not exclusive.

SECTION 402. 857.19 of the statutes is amended to read:

857.19 When will proved after letters issued. When after letters are issued to a personal representative by a ~~probate~~ court in the estate of a decedent, whether testate or intestate, a will of the decedent is proved and allowed by the court, the powers of the personal representative cease, and the court shall remove ~~him~~ the personal representative. All acts of the personal representative before ~~his~~ removal are as valid as if the will had not been allowed.

SECTION 403. 858.11 of the statutes is amended to read:

858.11 Inventory of partnership property and liabilities by survivor. The surviving partner of any deceased person whose estate is being administered shall, ~~whenever~~ if required by order of the ~~probate~~ court, file with the court a verified inventory of the partnership property and liabilities. If, after service of the order upon him or her, ~~he~~ the partner without reasonable cause shown refuses or neglects to comply with the order for 20 days after the day set for compliance, he or she may be held in contempt of court.

SECTION 404. 859.03 of the statutes is amended to read:

859.03 Continuance of separate action. If an action is pending against a decedent at the time of his or her death and the action survives, the plaintiff in that action may serve a notice of substitution of party defendant on the personal representative and file proof of service of notice in the ~~probate~~ court. Filing of proof of service within the time limited for filing claims in s. 859.05 gives the plaintiff the same rights against the estate as the filing of a claim. A judgment in any such action constitutes an adjudication for or against the estate.

SECTION 405. 859.15 of the statutes is amended to read:

859.15 Effect of statute of limitations. A claim shall not be allowed which was barred by any statute of limitations at the time of the decedent's death. A claim shall not be barred by statutes of limitation which was not barred at the time of the decedent's death if the claim is filed against the decedent's estate in the ~~probate~~ court within the time limited for filing claims.

SECTION 406. 859.23 of the statutes is amended to read:

859.23 Payment of contingent claims by distributees. If a contingent claim is filed and allowed against an estate subject to the contingency and all the assets of the estate including the fund set apart for the payment thereof has been distributed, and the claim thereafter is allowed as absolute, the creditor may recover thereon against those distributees, or their respective bondsmen the persons who furnish bond for the distributees, whose distributive shares have been increased by reason of the fact that the amount of the claim as finally determined was not paid prior to final distribution, if a proceeding therefor is commenced in ~~probate~~ court within 6 months after the claim is allowed as absolute. A distributee or his bondsman the person who furnishes bond for the distributee shall not be liable for an amount exceeding his or her proportionate share of the estate subject to the claim, nor for an amount greater than the value of the property which he or she received from the estate, the value to be determined as of the time of distribution to the distributee.

SECTION 407. 859.33 (1) of the statutes is amended to read:

859.33 (1) HOW CONTEST INITIATED. The following persons may contest a claim or assert an offset or counterclaim in ~~probate~~ court: a) the personal representative, b) a guardian ad litem or c) a person interested who has the approval of the court. They may do so only by mailing a copy of the objection, offset or counterclaim to the claimant or personally serving the same upon the claimant and filing the same with the court. ~~Such~~ The objection, offset or counterclaim may be served at any time prior to entry of judgment on the claim, but if a copy of the claim has been served under s. 859.01 (2) upon the personal representative or the attorney for the estate, ~~such~~ the objection, offset or counterclaim shall be served upon or mailed to the claimant and filed with the court within 60 days after the last date for filing claims. The personal representative shall not be obligated to assert any offset or counterclaim in ~~probate~~ court and may, if he or she deems it to be in the best interests of the estate, assert the offset or counterclaim in any separate action otherwise authorized by law outside the ~~probate~~ court proceedings. Any offset or counterclaim so asserted shall be deemed denied by the original claimant.

SECTION 408. 859.45 (2) of the statutes is amended to read:

859.45 (2) NOT FILED WITHIN TIME LIMITED. A cause of action against a decedent in tort or for contribution resulting from a cause of action in tort is not defeated by failure to file the claim or commence or continue an action against the personal representative within the time limited for filing claims against an estate, but ~~such~~ the failure relieves the ~~probate~~ court of all responsibility to protect the rights of the claimant and the claimant shall not be granted any of the protections under s. 859.21. If the claim is made absolute through court approved settlement or adjudication and a certified copy of the settlement or judgment is filed in the court in which the estate is being administered prior to the approval of the final account, it shall be paid prior to the distribution of the estate, otherwise the estate may be distributed as though the claim did not exist. After the final account has been approved, a claimant whose claim

has been made absolute through court approved settlement or through adjudication may proceed against the distributees, but no distributee ~~shall~~ may be liable for an amount greater than that allowed under s. 859.23.

SECTION 409. 860.01 of the statutes is amended to read:

860.01 Power of personal representative to sell, mortgage and lease. A personal representative to whom letters have been issued by the ~~probate~~ court and whose letters have not been revoked ~~has complete power to~~ may sell, mortgage or lease any property in the estate without notice, hearing or court order. The rights and title of any purchaser, mortgagee or lessee from the personal representative are ~~in no way~~ not affected by any provision in a will of the decedent or any procedural irregularity or jurisdictional defect in the administration of the decedent's estate. A transfer agent or a corporation transferring its own securities incurs no liability to any person by making a transfer of securities in an estate as requested or directed by a personal representative.

SECTION 410. 860.09 (1) of the statutes is amended to read:

860.09 (1) **GENERALLY.** ~~When~~ If any person legally bound to make a conveyance or lease dies before making the same and the personal representative fails or refuses to perform in accordance with the decedent's contract, any person claiming to be entitled to the conveyance or lease may petition the ~~probate~~ court for specific performance of the contract. Upon satisfactory proof the court may order the personal representative to make a conveyance or lease or may by its own order make a conveyance or lease to the person entitled thereto upon the performance of the contract.

SECTION 411. 863.07 of the statutes is amended to read:

863.07 Assignment by distributee. If any person interested in an estate assigns all or part of his or her interest therein (other than an interest not assignable by the specific language of the will) as collateral or otherwise and the assignee serves a copy thereof on the personal representative of the estate and files a copy with the ~~probate~~ court in which the estate is being administered before the entry of the final judgment and before the property or interest covered by the assignment has been distributed under s. 863.01, the ~~probate~~ court shall assign to the assignee in the final judgment the interest or part of the interest of the assignor included within the assignment to the extent that the assignment is valid as determined by the court, after giving effect to any credits to which the assignor may prove himself or herself entitled. A personal representative incurs no liability to an assignee of a person interested for any acts performed or distribution made by the personal representative prior to the time a copy of the assignment is received by the personal representative or he or she has actual knowledge of the assignment.

SECTION 412. 863.17 of the statutes is amended to read:

863.17 Partition by agreement. Property passing to persons as joint tenants or tenants in common may be partitioned among those persons by the judgment of the ~~probate~~ court assigning the property, if a petition therefor signed by all persons interested in the property involved is filed with the court prior to the judgment. The petition must set out the manner in which the property is to be divided and the agreement of all persons interested in the property involved.

SECTION 413. 863.27 of the statutes is amended to read:

863.27 Contents of final judgment. In the final judgment the ~~probate~~ court shall approve the final account, designate the persons to whom assignment and distribution is being made and assign to each of them the property or proportions or parts of the estate or the amounts to which each is entitled. The findings of fact which support the judgment shall include a determination of the heirs of the decedent; facts showing that all jurisdictional requirements have been met; the date of death of the decedent and his the decedent's testacy or intestacy; facts relating to the payment of state inheritance and estate tax, state income tax and claims and charges against the estate; and if the decedent immediately prior to ~~his~~ death had an estate for life or an interest as a joint tenant in any property in regard to which a certificate of termination has not been

issued, under s. 867.04, shall set forth the termination of the life estate or the right of survivorship of any joint tenant. Every tract of real property in which an interest is assigned or terminated shall be specifically described. If a fund is withheld from distribution for the payment of contingent claims, for meeting possible tax liability or for any other reasonable purpose, the judgment shall provide for the distribution of the fund if all or a part of it is not needed.

SECTION 414. 863.37 (1) of the statutes is amended to read:

863.37 (1) ~~Where~~ If the laws, executive orders or regulations of the United States, ~~or executive orders, or regulations pursuant thereto~~ prohibit payment, conveyance, transfer, assignment or delivery of property or interest therein to a legatee, devisee, ward or beneficiary of an estate or trust, or to any person on his or her behalf, the ~~probate~~ court, after notice to the person under s. 879.03, may, by judgment or decree, authorize such disposition of the property or interest therein, as is or may be permissible under or in conformity with the laws, executive orders or regulations of the United States.

SECTION 415. 863.45 of the statutes is amended to read:

863.45 Receipts from guardians. If a distributee of an estate is a minor or an incompetent and has within this state a guardian of his or her estate, the personal representative shall deliver the money or other property to the guardian, take a receipt from the guardian and file the receipt with the ~~probate~~ court. The ~~probate~~ court shall transmit a certified copy of the receipt to the court which appointed the guardian.

SECTION 416. 863.49 of the statutes is amended to read:

863.49 Inactive estates; summary discontinuance. The ~~probate judge~~ court may by order upon ~~his~~ its own motion and without notice summarily discontinue any administration in which no paper has been filed for more than 5 years and may cancel the bond.

SECTION 417. 865.01 of the statutes is amended to read:

865.01 Applicability of informal administration. "Informal administration of estates" means the administration of decedents' estates, testate and intestate, without exercise of continuous supervision by the court. Administrative action by the probate registrar is not action by the court. Informal administration proceedings are, nevertheless, circuit court proceedings ~~in the county court~~, records of which shall be kept in the same manner as they are kept for formal proceedings; all of the duties and powers of registers in probate, including the certification of papers filed in the probate court, ~~as set forth in ch. 253~~ shall apply to informal proceedings in the same manner as they apply to formal proceedings. All provisions of chs. 851 to 879 not inconsistent with this chapter shall apply to the informal administration of estates.

SECTION 418. 865.065 (1) of the statutes is amended to read:

865.065 (1) The term "probate registrar" refers to the official of the court designated to perform the functions of probate registrar. The acts and orders which this chapter specifies as performable by the probate registrar may be performed either by the ~~county judge~~ court or by a person, including the clerk, deputy clerk, register in probate, deputy register in probate, and court legal assistant, designated by the court by a written order filed and recorded in the office of the court. The probate registrar shall be an officer of the court and, unless prohibited by the court, shall be entitled to use the court seal.

SECTION 419. 867.01 (1) (intro.) of the statutes is amended to read:

867.01 (1) (title) AVAILABILITY. (intro.) The ~~probate~~ court shall summarily settle the estate of a deceased person without the appointment of a personal representative:

SECTION 420. 867.02 (1) of the statutes is amended to read:

867.02 (1) (title) AVAILABILITY. The ~~probate~~ court shall summarily assign the estate of a deceased person without the appointment of a personal representative ~~whenever~~ if the estate, less the amount of the debts for which any property in the

estate is security, does not exceed \$10,000 in value and the estate cannot be summarily settled under s. 867.01. An estate, administration of which has been commenced under ch. 856, or a summary settlement commenced under s. 867.01 may be terminated under this section at any time that it is found to meet the requirements of this section.

SECTION 421. 867.04 of the statutes is amended to read:

867.04 Termination of joint tenancy and life estate. ~~When~~ If a domiciliary of this state dies who immediately prior to ~~his~~ death had an estate for life or an interest as a joint tenant in any property, or ~~when if~~ a person not domiciled in this state dies having such an interest in property in this state, upon petition of any person interested in the property to the ~~probate~~ court of the county of domicile of the decedent (or if the decedent was not domiciled in this state, of any county where the property is situated) the court shall issue a certificate, under the seal of the court. The certificate shall set forth the fact of the death of the life or joint tenant, the termination of the life estate or joint tenancy interest, the right of survivorship of any joint tenant and any other facts essential to a determination of the rights of persons interested. The certificate is prima facie evidence of the facts recited, and if the certificate relates to an interest in real property or to a debt which is secured by an interest in real property, a certified copy or duplicate original of the certificate shall be recorded by the petitioner in the office of the register of deeds in each county in this state in which the real property is located.

SECTION 422. 867.045 (4) of the statutes is amended to read:

867.045 (4) Upon ~~such the~~ recording, the application shall constitute prima facie evidence of the facts recited and shall constitute the termination of ~~such the~~ joint tenancy, all with the same force and effect as if issued by the ~~probate branch of the county~~ court of assigned to exercise probate jurisdiction for the county of domicile of the decedent under s. 867.04. This application shall not constitute evidence of payment of any inheritance tax which may be due, the payment for which shall remain an obligation of the surviving joint tenant.

SECTION 423. 867.05 (1) of the statutes is amended to read:

867.05 (1) PETITION. Six years or more after any person dies intestate, leaving an estate which a ~~probate~~ court in this state has jurisdiction to administer, any person interested in the estate or in any property in the estate may petition the ~~probate~~ court which has jurisdiction to administer the estate, to determine the descent of the property in the estate. The petition shall be verified and shall show, as particularly as known or can with due diligence be ascertained, the time and place of death and domicile of the decedent, that the estate has not been administered and the other facts which authorize the proceeding, the names, post-office addresses and relationship to the decedent of all heirs and their grantees entitled to any interest in the property, stating who are minors or under legal disability, and the names and addresses of their guardians, and a description of all property for which a determination of descent is sought.

SECTION 424. 867.07 (intro.) of the statutes is amended to read:

867.07 Grounds for appointment of special administrator. (intro.) Whenever it appears by petition to ~~probate the~~ court that a person has died and the court would have jurisdiction for the administration of ~~his~~ the person's estate, the court may appoint a special administrator if it appears that:

SECTION 425. 868.03 (2) (a) of the statutes is amended to read:

868.03 (2) (a) *Qualifications of and preference for foreign representative.* Any foreign representative upon the filing of an authenticated copy of the domiciliary letters with the ~~probate~~ court may be granted ancillary letters in this state notwithstanding that the representative is a nonresident of this state or is a foreign corporation. If the foreign representative is a foreign corporation it need not qualify under any other law of this state to authorize it to act as local and foreign representative in the particular estate if it complies with subs. (4) and (5). If

application is made for the issuance of ancillary letters to the foreign representative, the court shall give preference in appointment to the foreign representative unless the court finds that it will not be for the best interests of the estate or the decedent has otherwise directed.

SECTION 426. 868.05 (1) of the statutes is amended to read:

868.05 (1) PETITION. If a will devising or bequeathing property in this state or any interest therein has been admitted to probate in any state, and 6 years have passed since the death of the decedent, the ~~probate~~ court of any county in which any of the property is situated may, upon petition accompanied by an authenticated copy of the will and its probate, issue a certificate of assignment.

SECTION 427. Chapter 878 (title) of the statutes is amended to read:

CHAPTER 878

PROBATE BONDS

SECTION 428. 878.01 (title) and (1) of the statutes are amended to read:

878.01 (title) Probate bonds. (1) GENERALLY. All bonds required by order of the ~~probate~~ court or of the probate registrar shall be for such sum and with such sureties as the court or probate registrar directs, except ~~when~~ if otherwise provided by law. The bonds shall be for the security and benefit of all persons interested and shall be taken to the judge of the ~~probate~~ court, ~~and in any probate court having more than one judge, shall run to all of the judges of that court,~~ except where they are required by law to be taken to the adverse party. A bond shall not be deemed sufficient unless it has been examined and approved by the judge, the register in probate or the probate registrar and the approval ~~indorsed~~ endorsed thereon in writing and signed by the person approving; but failure so to do shall not render the bond void.

SECTION 429. 878.03 of the statutes is amended to read:

878.03 Corporate fiduciaries. The ~~probate~~ court and the probate registrar shall not require bond from any corporate fiduciary which has complied with the requirements of s. 220.09 or 223.02.

SECTION 430. 878.05 of the statutes is amended to read:

878.05 Additional bond; reducing bond. The ~~probate judge~~ court may, at any time, require additional bond from any personal representative, special administrator, guardian or trustee and may, upon application, enter an order, with or without notice, reducing the amount of any bond, ~~when he is~~ if satisfied that no injury can result to those interested in the estate.

SECTION 431. 878.07 (1) (intro.) of the statutes is amended to read:

878.07 (1) (intro.) WHO MAY BRING. Actions may be brought on the bonds of personal representatives, special administrators, guardians and trustees in the ~~probate~~ court by:

SECTION 432. 878.09 of the statutes is amended to read:

878.09 Actions on bonds in name of judge. All actions upon bonds issued to a ~~probate~~ judge shall be brought in the name of the ~~probate~~ judge of the court in office at the time the action is commenced. If judgment is rendered for the plaintiff, it shall be for the amount found due and costs of suit, and shall specify the amount found due to each particular person for whose benefit it is brought; ~~but no.~~ No judgment or execution against the sureties on any bond shall may exceed the amount of the penalty thereof, exclusive of costs.

SECTION 433. 878.11 of the statutes is amended to read:

878.11 Money, to whom paid. All moneys recovered on any judgment in favor of the judge of the ~~probate~~ court, shall be paid over to the person, other than the defendant therein, who is then the rightful personal representative, special administrator, guardian or trustee, and the moneys shall be assets in ~~his~~ the person's hands to be administered according to law. If there is no personal representative, special

administrator, guardian or trustee, other than the defendant, the moneys shall be paid to the persons entitled thereto upon their giving receipts which shall be filed with the ~~probate~~ court.

SECTION 434. 879.01 of the statutes is amended to read:

879.01 (title) Petitions to court. All applications to ~~probate~~ courts, except motions in matters at issue, shall be made by verified petition. All petitions must show the jurisdiction of the court and the interest of the petitioner. All petitions, except those for statutory certificates or for ex parte orders in proceedings already pending, shall also show the names and post-office addresses of all persons interested, so far as known to the petitioner or ascertainable by him or her with reasonable diligence; and shall indicate who are minors or otherwise under disability, and the names and post-office addresses of their guardians. No defect of form or substance in any petition ~~shall~~ may invalidate any proceedings.

SECTION 435. 879.03 (1) of the statutes, as affected by chapter 73, laws of 1977, is amended to read:

879.03 (1) **HOW GIVEN.** If notice of any proceeding in ~~probate~~ court or informal administration is required by law or deemed necessary by the court or the probate registrar under informal administration proceedings and the manner of giving notice is not directed by law, the court or the probate registrar shall order notice to be given under s. 879.05. The court or the probate registrar may order both service by publication and personal service on designated persons.

SECTION 436. 879.05 (4) of the statutes is amended to read:

879.05 (4) **SERVICE BY PUBLICATION.** Unless a statute provides otherwise, every ~~probate~~ court notice required to be given by publication shall be published as a class 3 notice in a newspaper published in the county, eligible under ch. 985, as the court by order directs.

SECTION 437. 879.15 (intro.) of the statutes is amended to read:

879.15 Appearances, how made. (intro.) In any proceeding in ~~probate~~ the court or before any probate judge, appearances shall be made as follows:

SECTION 438. 879.27 (title), (1), (2), (3) and (5) of the statutes, as affected by chapter 187, laws of 1977, are amended to read:

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

(2) **EFFECT OF TITLE XLII-A.** In all matters not otherwise provided for in this chapter relating to appeals from ~~probate~~ courts assigned to exercise probate jurisdiction to the court of appeals, the law and rules of practice of Title 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 court of appeals of any appealable order or judgment of the court assigned to exercise probate jurisdiction is limited to 60 days from the date of entry thereof.

(5) **LIMITATION ON BOND AND COSTS.** On appeals from ~~probate~~ courts assigned to exercise probate jurisdiction to the court of appeals no bond 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 may be required of any personal representative, guardian or trustee of a testamentary trust.

SECTION 439. 879.31 of the statutes is amended to read:

879.31 Extension of time for appeal; retrial. If any person aggrieved by any act of the ~~probate~~ court ~~shall omit to take his~~ does not appeal within the time allowed without fault on ~~his~~ the person's part, the court may, upon his or her petition, notice to the adverse party, and hearing, and upon terms and within the time ~~at~~ the court deems

reasonable, but not later than 6 months after the act complained of, by order allow an appeal, if justice appears to require it, with the same effect as though done seasonably; or the court may reopen the case and grant a retrial.

SECTION 440. 879.33 of the statutes is amended to read:

879.33 (title) Costs, if allowed; judgment for. Costs may be allowed in all appealable contested matters in probate court to the prevailing party, to be paid by the losing party or out of the estate as justice may require; and ~~when~~ if costs are allowed they shall be taxed by the register in probate after the notice required in ch. 814. ~~When~~ If costs are allowed, the court shall render judgment therefor, stating in whose favor and against whom rendered and the amount, and a list of the items making the amount shall be filed with the papers in the case. Costs shall not be taxed against a guardian ad litem, except as provided in s. 814.14.

SECTION 441. 879.39 of the statutes is amended to read:

879.39 Security and judgment for costs. In all cases under s. 879.33 the probate court may require the claimant or contestant to give a bond in such sum and with such surety as is approved by the court, to the effect that he or she will pay all costs that may be awarded by the court in the proceeding against him or her. A judgment for costs shall be against the claimant or contestant and the surety.

SECTION 442. 879.41 (intro.) of the statutes is amended to read:

879.41 (title) Fees in court. (intro.) Fees in probate court shall be allowed:

SECTION 443. 879.43 (1) of the statutes is amended to read:

879.43 (1) ENFORCEMENT. All money judgments in probate court in favor of an estate may be enforced through the probate court, after costs have been taxed under s. 814.10. The pertinent provisions of ch. 815, relating to executions, apply.

SECTION 444. 879.45 (1), (2), (3), (5) and (6) of the statutes, as affected by chapter 418, laws of 1977, are amended to read:

879.45 (1) GENERALLY. Jury trials may be had in probate court in all cases in which a jury trial may be had of similar issues under s. 805.01 (1).

(2) DEMAND. In all cases under sub. (1), any person having the right of appeal from the determination of the court, may file with the court, within 10 days after notice that the matter is to be contested, a written demand for a jury trial, ~~and deposit \$10 with the county treasurer, take his receipt therefor and file it with the court. If the issue is transferred for trial to the circuit court under this section, the judge of the probate court may order the deposit refunded to the depositor, and the county treasurer upon presentation of the order shall refund the amount.~~

(3) FRAMING ISSUES; TRANSFER. Upon filing the demand and receipt, the court may order an issue to be framed by the parties within a fixed time, and the matter shall be placed upon the calendar for the next jury term of the court. ~~The probate court may transfer the matter or cause, and the record thereof, to the circuit court of the county for trial.~~

(5) SELECTION OF JURORS. Jurors and trial juries shall be drawn under ss. 756.04 to 756.09 and trials by jury shall be under ss. 756.04 to 756.09 and ch. 805; ~~but in county courts exercising civil jurisdiction jurors and juries may be drawn in probate matters and jury terms had in the manner required in civil cases in such courts.~~

(6) CALENDAR. ~~Not more than 10 days prior to each jury term~~ At the request of the court, the clerk shall prepare, in the order of their date of issue, a list of cases in which a trial by jury has been demanded, ~~the~~ The list shall constitute ~~the~~ a jury calendar for that term of the probate court. ~~Unless the court otherwise orders, every case on the calendar which is not disposed of at that term shall stand continued to the next jury term, and be placed on the jury calendar for that term. If the party who demanded the jury trial asks to have the action continued for the term, after the commencement of the term at which the action is for trial, the continuance shall be granted only upon payment of \$10 motion fees unless the party waives a jury trial in~~

~~the proceeding.~~ In case a continuance in any action upon the jury calendar is asked by any other party, the court may grant the continuance and require payment of \$10 motion fees.

SECTION 445. 879.45 (4) of the statutes is repealed.

SECTION 446. 879.45 (8) of the statutes is renumbered 879.45 (4) and amended to read:

879.45 (4) COSTS. In all jury cases costs shall be allowed as a matter of course to the prevailing party, ~~the items and taxation of which shall be as in circuit court.~~

SECTION 447. 879.47 of the statutes is amended to read:

879.47 Papers, preparation and filing. The attorney for any person desiring to file any paper in probate court is responsible for the preparation of the paper. All papers shall be legibly written on substantial paper and shall state the title of the proceeding in which they are filed and the character of the paper. Uniform forms shall be used ~~when~~ if suitable and available. If papers are not so written or if uniform forms are not used when suitable and available, the court may refuse to receive and file them. The court shall show on all papers the date of their filing.

SECTION 448. 879.53 of the statutes is amended to read:

879.53 Hearings set for a day certain. All matters in probate court requiring notice of hearing shall be set for hearing on a day certain, and shall be heard on the day set or as soon thereafter as counsel may be heard.

SECTION 449. 879.55 of the statutes is amended to read:

879.55 Correction of clerical errors in court records. Upon verified petition to a probate court by any person interested or his or her successor in title praying that clerical errors in its records be corrected as specified in the petition, the court shall order a hearing thereon. The hearing shall be held without notice or upon such notice as the court requires. If the court requires notice, it shall be given to those persons interested who will be affected by the change in the records. If on hearing the court finds its record incorrect as a result of clerical error, it shall make its record conform to the truth. The corrected record shall be as valid and binding as though correctly made and entered at the proper time.

SECTION 450. 879.57 of the statutes is amended to read:

879.57 Special administrator; personal representative, guardian. ~~Whenever~~ If it is found by the court to be necessary to appoint a personal representative or guardian and there appears to be no person in the state to petition for the appointment or there appears to be no suitable person to be so appointed, the court shall, upon its own motion or upon the petition of any interested party, grant administration of an estate of a decedent or guardianship of the estate of a minor or incompetent person to ~~such~~ the interested party or a special administrator, and he or she shall thereupon take possession of the estate and protect and preserve it, and proceed with the administration and with the care and management of the estate. ~~Such~~ The authority ~~to~~ of a special administrator in the administration or guardianship may be revoked at any time upon the appointment and qualification of a personal representative or guardian, or when for any other cause the court deems it just or expedient; ~~but~~ revocation. Revocation of authority does not invalidate his the special administrator's acts performed prior to revocation ~~of his authority~~ and does not impair the special administrator's rights to receive from the estate his or her legal charges and disbursements, to be determined by the probate court.

SECTION 451. 879.61 of the statutes is amended to read:

879.61 Discovery proceedings. Any personal representative or any person interested who suspects that any other person has concealed, stolen, conveyed or disposed of property of the estate, ~~or~~ is indebted to the decedent, ~~or has in his possession or under his control;~~ possesses, controls or has knowledge of concealed property of the decedent, ~~or has in his possession or under his control;~~ possesses, controls or has knowledge of writings which contain evidence of or tend to disclose the right, title, interest or claim

of the decedent to any property, ~~or has in his possession or under his control~~ possesses, controls or has knowledge of any will of the decedent, may file a petition in the ~~probate court so stating, and the~~ The court upon such notice as it directs, may order the other person to appear before the court or a court commissioner for disclosure, may subpoena witnesses and compel the production of evidence and may make any order in relation to the matter as is just and proper.

SECTION 452. 879.67 of the statutes is amended to read:

879.67 Out-of-state service on personal representative. ~~When~~ If it is necessary to serve upon a personal representative any order, notice or process of the ~~probate court~~, and service cannot be made in this state, service may be made under s. 801.11 (1) for the service of summons.

SECTION 453. 880.02 of the statutes is amended to read:

880.02 (title) Jurisdiction in circuit court. The ~~county~~ circuit court shall have ~~exclusive~~ jurisdiction over all petitions for guardianship ~~except guardianships of the person under ch. 48.~~ A guardianship of the estate of any person, once granted, shall extend to all of his or her estate in this state and shall exclude the jurisdiction of every other ~~county~~ circuit court, except as provided in ch. 296.

SECTION 454. 880.06 (2) of the statutes is amended to read:

880.06 (2) CHANGE OF RESIDENCE OF WARD OR GUARDIAN. ~~When~~ If a guardian removes from the county where appointed to another county within the state, or a ward removes from the county in which he or she has resided to another county within the state, the ~~county~~ circuit court for the county in which the ward resides may appoint a new guardian as provided by law for the appointment of a guardian. Upon verified petition of the new guardian, accompanied by a certified copy of his appointment and bond if the appointment is in another county, and upon the notice prescribed by s. 879.05 to the originally appointed guardian (unless he or she is the same person), and to such other persons as the court shall order, the court of original appointment may order the guardianship accounts settled and the property delivered to the new guardian.

SECTION 455. 880.09 (1) of the statutes is amended to read:

880.09 (1) NOMINATION BY MINOR. A minor over 14 years may in writing in ~~county~~ circuit court nominate his or her own guardian, but ~~whenever~~ if the minor is in the armed service, ~~or~~ is without the state, or if other good reason exists, the court may dispense with the right of nomination.

SECTION 456. 880.13 (3) of the statutes is amended to read:

880.13 (3) BLANKET BOND FOR EMPLOYEE GUARDIAN OR CONSERVATOR. The ~~county~~ circuit court may designate one or more persons who are county institutional employees, whose duty it is to act as guardian of one or more estates of incompetent persons upon appointment by the court, or as conservator for the estates of persons making application therefor, who are residents of the county home, patients of the county hospitals or county mental hospitals. ~~Such~~ The appointments shall be made subject to this chapter. ~~Such~~ The person, before entering upon his duties, shall take an official oath. The court may waive the requirement of a bond or may require ~~such~~ the person to give bond, with sufficient sureties, to the judge of ~~said~~ the court, in a sum not less than \$1,000 subject to court approval. ~~Such~~ The bond shall cover the person so designated and appointed in all guardianships and conservatorships to which ~~he~~ the person has been or shall be appointed by the court. Additional bonds may be required from time to time. The expense of surety upon ~~such~~ the bonds shall be paid by the county treasurer on the order of the ~~county~~ circuit judge. The term of the person appointed shall terminate upon his resignation or removal and approval of his the person's accounts by the ~~county~~ court.

SECTION 457. 880.15 (1) of the statutes, as affected by chapter 354, laws of 1977, is amended to read:

880.15 (1) APPOINTMENT. If the court finds that the welfare of a minor, spendthrift or an incompetent requires the immediate appointment of a guardian of the person or of the estate, or of both, it may, with or without notice, appoint a temporary guardian for a period not to exceed 60 days unless further extended by order of the court. The authority of the temporary guardian may be limited to the performance of duties respecting specific property, or to the performance of particular acts, as stated in the order of appointment. All provisions of the statutes concerning the powers and duties of guardians shall apply to temporary guardians except as limited by the order of appointment. The temporary guardian shall make such reports as the court directs, and shall account to the court upon termination of authority. ~~The juvenile court judge shall have assigned to exercise jurisdiction under ch. 48 has~~ exclusive jurisdiction over the appointment of a temporary guardian of a minor for medical purposes but shall proceed in accordance with this section. No appeal may be taken from the order of appointment of a temporary guardian.

SECTION 458. 880.16 (3) (a) of the statutes is amended to read:

880.16 (3) (a) A citation to a guardian to appear in ~~county circuit~~ court may be served in the manner provided for substituted service for summons in ~~circuit the~~ court ~~when such~~ if the guardian has absconded or keeps himself ~~or herself~~ concealed so as to avoid personal service or ~~when he~~ if the guardian is a nonresident of this state or has absented himself ~~or herself~~ therefrom for a period of one year.

SECTION 459. 880.191 (2) of the statutes is amended to read:

880.191 (2) CITATION TO FILE INVENTORY AND TO ACCOUNT. If any guardian neglects to file ~~his the~~ inventory or account when required by law, the ~~county circuit~~ judge shall call ~~his the~~ guardian's attention to ~~his the~~ neglect. If ~~he the~~ guardian still neglects his ~~or her~~ duty in the premises, the court shall order ~~him the~~ guardian to file ~~his the~~ inventory and the costs may be adjudged against ~~him the~~ guardian.

SECTION 460. 880.192 of the statutes is amended to read:

880.192 Fraud, waste, mismanagement. ~~Whenever~~ If the ~~county circuit~~ court has reason to believe that any guardian within its jurisdiction has filed a false inventory, ~~or~~ claims ~~as his own~~ property or permits others to claim and retain property belonging to the estate which he ~~or she~~ represents, ~~or~~ is guilty of waste or mismanagement of the estate, or is unfit for the proper performance of ~~his~~ duties, the court shall appoint a guardian ad litem for any minor or incompetent person interested and shall order the guardian to file ~~his the~~ account. If upon the examination of the account the court deems it necessary to proceed further, a time and place for the adjustment and settlement of the account shall be fixed by the court, and at least 10 days' notice shall be given to the guardian ad litem and to all persons interested. If, upon the adjustment of the account, the court is of the opinion that the interests of the estate and of the persons interested require it, the guardian may be removed and another appointed.

SECTION 461. 880.195 of the statutes is amended to read:

880.195 Transfer of Menominees guardianship funds to trust. The ~~county circuit~~ court which ~~shall have~~ ~~has~~ appointed a guardian of the estate of any minor or incompetent who is a member of the Menominee Indian tribe as defined in s. 49.085 or a lawful distributee thereof may direct ~~such the~~ guardian to transfer the assets of ~~such the~~ minor or incompetent in ~~his the~~ guardian's possession to the trustees of the trust created by the secretary of interior or his ~~or her~~ delegate which receives property of ~~such the~~ minors or incompetents transferred from the United States or any agency thereof as provided by P. L. 83-399, as amended, and ~~such the~~ assets shall thereafter be held, administered and distributed in accordance with the terms and conditions of ~~such the~~ trust.

SECTION 462. 880.21 (2) of the statutes is amended to read:

880.21 (2) FOR SUPPLEMENTING PARENT'S SUPPORT OF MINOR. If any minor has property which is sufficient for his ~~or her~~ maintenance and education in a manner more expensive than his ~~or her~~ parents can reasonably afford, regard being had to the

situation and circumstances of the family, the expenses of ~~his~~ the minor's education and maintenance may be defrayed out of his or her property in whole or in part, as shall be judged reasonable and be directed by the county circuit court.

SECTION 463. 880.22 (2) of the statutes is amended to read:

880.22 (2) PROCEEDINGS TO ADJUST CLAIMS. The guardian or a creditor of any ward may apply to the court for adjustment of claims against ~~such the~~ ward incurred prior to entry of the order appointing the guardian or the filing of a lis pendens as provided in s. 880.215. The court shall by order fix the time and place it will adjust claims and the time within which all claims must be presented or be barred. Notice of the time and place so fixed and limited shall be given by publication as in estates of decedents; and all statutes relating to claims against and in favor of estates of decedents shall apply. As in the settlement of estates of deceased persons, after the court has made ~~such the~~ order no action or proceeding ~~shall may~~ be commenced or maintained in any court against ~~such the~~ ward upon any claim of which the ~~county circuit~~ court has jurisdiction.

SECTION 464. 880.23 of the statutes is amended to read:

880.23 Actions. ~~Such The~~ guardian shall settle all accounts of the ward and may demand, sue for, collect and receive all debts and claims for damages due him or her, or may, with the approval of the county circuit court, compound and discharge the same, and shall appear for and represent his or her ward in all actions and proceedings except where another person is appointed for that purpose.

SECTION 465. 880.245 of the statutes is amended to read:

880.245 Accounting by agent. The county circuit court, upon the application of any guardian appointed by it may order any person who has been intrusted by ~~him the~~ guardian with any part of the estate of a decedent or ward to appear before the court, and may require the person to render a full account, on oath, of any property or papers belonging to the estate which have come to ~~his the person's~~ possession and of his or her proceedings thereon. If ~~he the person~~ refuses to appear and render an account the court may proceed against him or her as for contempt.

SECTION 466. 880.251 of the statutes is amended to read:

880.251 Accounts, failure of guardian to file. If a guardian resides out of this state, ~~or;~~ neglects to render ~~his the~~ account within the time provided by law or the order of the court, ~~or;~~ neglects to settle the estate according to law, or to perform any judgment or order of the court, ~~or;~~ absconds; or becomes insane or otherwise incapable or unsuitable to discharge the trust, the county circuit court may remove ~~him the~~ guardian and appoint a successor; ~~but an.~~ An order of removal may not be made until the person affected has been notified, under s. 879.67, or, if a resident, such notice as the court deems reasonable, to show cause at a specified time why he or she should not be removed.

SECTION 467. 880.295 (1) of the statutes is amended to read:

880.295 (1) When a patient in any state or county hospital or mental hospital or in any state institution for the mentally deficient, or a resident of the county home or infirmary, appears in need of a guardian, and does not have a guardian, the department of health and social services by its collection and deportation counsel, or the county corporation counsel or district attorney if there is no corporation counsel, may apply to the county circuit court of the county in which ~~such the~~ patient resided at the time of commitment or the county circuit court of the county in which the facility in which the patient resides is located for the appointment of a guardian of the person and estate, or either, or for the appointment of a conservator of the estate, and the court, upon ~~such the~~ application, may appoint ~~such the~~ guardian or conservator in the manner provided for the appointment of guardians under ss. 880.08 (1) and 880.33 or for the appointment of conservators under s. 880.31. ~~Whenever~~ If application is made by a district attorney or corporation counsel, a copy of the petition made to the court shall be filed with the department of health and social services. ~~Where~~ If application is made by a corporation counsel or district attorney for

appointment of a guardian of the estate of ~~such the~~ patient or resident, or by ~~such the~~ patient or resident for appointment of a conservator of the patient's ~~or resident's~~ estate, the court may designate the county as guardian or conservator if the court finds that no relative or friend is available to serve as guardian or conservator and the county is not required to make or file any oath or give any bond or security, except in the discretion of the court making ~~such the~~ appointment, as similarly provided under s. 223.03 (8) in the case of the appointment of a trust company bank corporation. The court may place any limitations upon ~~such the~~ guardianship or conservatorship as it deems to be in the best interest of the patient. Before any county employe administers the funds of a person's estate of which the county has been appointed guardian or conservator, ~~such the~~ employe must be designated as securities agent in the classified service of the county, and ~~such the~~ employe's designation as securities agent shall appear on all court papers which the security agent signs in the name of the county as guardian or conservator. ~~Such The~~ securities agent, before entering upon the duties, shall also furnish an official bond in such amount and with such sureties as the county board determines, subject to the prior approval of ~~such the~~ amount by the ~~judges of the probate division of the county court assigned to exercise jurisdiction. Such The~~ bond shall be filed in the office of the register in probate, and a duplicate original thereof filed in the office of the county clerk. A conservatorship under this section shall be terminated by the court upon discharge of the patient unless application for continued conservatorship is made. The superintendent or director of the facility shall notify the court of the discharge of a patient for whom a guardian or conservator has been appointed under this subsection.

SECTION 468. 880.31 (1) of the statutes is amended to read:

880.31 (1) Any adult resident who believes that he ~~or she~~ is unable properly to manage his ~~or her~~ property or income may voluntarily apply to the ~~county circuit~~ court of the county of his ~~or her~~ residence for appointment of a conservator of ~~his the~~ estate. Upon receipt of ~~such the~~ application the court shall fix a time and place for hearing the ~~same application~~ and direct to whom and in what manner notice of ~~such the~~ hearing shall be given.

SECTION 469. 889.241 of the statutes is amended to read:

889.241 How made when grantor refuses. If any grantor residing in this state refuses to acknowledge his ~~or her~~ conveyance, the grantee or any person claiming under ~~him the grantee~~ may apply to the ~~county circuit~~ judge in the county where the land lies or where the grantor or any subscribing witness to the conveyance resides, ~~who. The judge shall thereupon then~~ issue a summons to the grantor to appear at a certain time and place before ~~said the~~ judge to hear the testimony of the subscribing witnesses to the conveyance; ~~and the. The~~ summons, with a copy of the conveyance annexed, shall be served at least 7 days before the time therein assigned for proving the ~~same conveyance~~. At the time mentioned in ~~such the~~ summons or at any time to which the hearing may be adjourned the due execution of the conveyance may be proved by the testimony of one or more of the subscribing witnesses; ~~and if If the conveyance is proved to the satisfaction of the judge, he or she shall certify the same thereon conveyance, and in such proved to the certificate he the judge shall note the presence or absence of the grantor as the fact may be.~~

SECTION 470. 889.30 (3) (a) of the statutes is amended to read:

889.30 (3) (a) ~~Records In this section, "records, papers, documents and court records for the purposes of this section are defined as records" mean~~ all records, papers, documents, court records, original files or other material bearing upon the activities and functions of the county department, agency, board, commission, ~~and the circuit court, county court~~ and other courts of record.

SECTION 471. 891.23 of the statutes is amended to read:

891.23 Copies of insurance books. Copies of the entries in the books of any life or mutual benefit insurance corporation or association engaged in doing business on the level premium or assessment plan, together with statements verified by the custodian

of ~~such the~~ books, showing the number of members insured in or belonging to ~~such the~~ corporation or association, and the number of members in each class or grade thereof, and the aggregate amount which would be due from them upon a single assessment, and that ~~such the~~ copies are true and are taken from the regular books of the corporation or association used and kept for the transaction of its business, and that ~~such the~~ books are now in his or her custody or under his or her control, shall be received in all proceedings as prima facie evidence of ~~such the~~ entries or statements. No officer of any such corporation or association ~~shall may~~ be compelled (unless by special order of the court or officer before whom the action or proceeding is pending) to produce any books or records thereof; ~~provided, such verified.~~ Verified copies and statements shall be furnished to the attorney who reasonably requires them, at least 6 days before the ~~term of court or~~ time set for the trial or hearing of the action or proceeding, and ~~that such the~~ books and records shall be subject to the inspection of any interested party or his or her attorney to the extent prescribed by ~~such the~~ court or officer.

SECTION 472. 898.02 of the statutes is amended to read:

898.02 Notice to plaintiff. ~~Such The~~ person shall cause notice to be given to the plaintiff in the action, ~~his the plaintiff's~~ agent or attorney, in writing, that at a time and place specified in ~~such the~~ notice ~~he the person~~ will apply to ~~the judge of the circuit court, county judge or court commissioner of the county in which he the person~~ is so confined for the purpose of obtaining a discharge from ~~his~~ imprisonment.

SECTION 473. 898.04 of the statutes is amended to read:

898.04 Prisoner to be examined. At the time and place specified in ~~such the~~ notice ~~such the~~ person shall be taken, under the custody of the jailer ~~or, the sheriff or his the~~ sheriff's deputy, before ~~such the~~ circuit judge, ~~county judge or court commissioner,~~ who shall examine the prisoner on his oath concerning his or her estate and effects and the disposal thereof and ~~his the prisoner's~~ ability to pay the judgment for which he or she is committed; and who shall also hear any other legal and pertinent evidence that may be produced by the debtor or the creditor.

SECTION 474. 898.11 of the statutes is amended to read:

898.11 Inability to pay fees. ~~In case such If the prisoner shall be is~~ unable to pay in whole or in part the fees of ~~such county the circuit judge or court commissioner in such the~~ proceedings ~~they shall, nevertheless, proceed the~~ proceedings shall continue without charge to ~~him therefor the~~ prisoner.

SECTION 475. 898.24 of the statutes is amended to read:

898.24 Suit on bond. In every suit brought by a sheriff on ~~such the~~ bond if it ~~shall appear~~ appears to the court that judgment has been rendered against ~~such the~~ sheriff for the escape of the prisoner and that due notice of the pendency of the action against the sheriff was given to the prisoner and his or her sureties, to enable them to defend ~~the same action, such the~~ court shall render judgment in the suit upon ~~such the~~ bond ~~at any term~~ after the summons is served, upon the complaint being filed and 20 days' notice of the application for ~~such the~~ judgment has been given to the defendants in ~~such the~~ action.

SECTION 476. 939.62 (3) (a) and (b) of the statutes are amended to read:

939.62 (3) (a) In case of crimes committed in this state, the terms do not include motor vehicle offenses under chs. 341 to 349 and offenses handled through ~~juvenile~~ court proceedings under ch. 48, but otherwise have the meanings designated in s. 939.60.

(b) In case of crimes committed in other jurisdictions, the terms do not include those crimes which are equivalent to motor vehicle offenses under chs. 341 to 349 or to offenses handled through ~~juvenile~~ court proceedings under ch. 48. Otherwise, felony means a crime which under the laws of that jurisdiction carries a prescribed maximum penalty of imprisonment in a prison or penitentiary for one year or more. Misdemeanor means a crime which does not carry a prescribed maximum penalty sufficient to constitute it a felony and includes crimes punishable only by a fine.

SECTION 477. 948.16 of the statutes is amended to read:

948.16 Investigation of cruelty complaints. Any person who has reason to believe that a violation of this chapter has taken place or is taking place may apply to any circuit ~~or county~~ court for a search warrant. The court shall examine under oath the person so applying and any witnesses ~~he~~ the person may produce and shall take ~~his~~ the person's sworn affidavit in writing. The affidavit shall set forth the facts tending to establish probable cause to believe that a violation of this chapter has occurred or is occurring. If the court is satisfied that probable cause exists, it shall issue a search warrant directing a law enforcement officer in the county to proceed immediately to the location of the alleged violation ~~taking with him~~ a doctor of veterinary medicine, if the court determines that a veterinarian is necessary for purposes of the search, and directing the law enforcement officer to search the place designated in the warrant, retaining in his ~~or her~~ custody subject to the order of the court such property or things as are specified in the warrant, including any animal. The warrant shall be executed and returned to the court which issued the warrant in accordance with ss. 968.15 and 968.17. The warrant issued ~~pursuant to~~ under this section shall have the same force and effect as a warrant issued ~~pursuant to~~ under s. 968.12. This section shall not affect other powers and duties of law enforcement officers.

SECTION 478. 967.02 (7) of the statutes is amended to read:

967.02 (7) "Court" means ~~either the county court or~~ the circuit court unless otherwise indicated.

SECTION 479. 968.02 (3) of the statutes is amended to read:

968.02 (3) If a district attorney refuses or is unavailable to issue a complaint, a ~~county circuit~~ judge may permit the filing of a complaint, if ~~he~~ the judge finds there is probable cause to believe that the person to be charged has committed an offense after conducting a hearing. ~~Where~~ If the district attorney has refused to issue a complaint, ~~he or she~~ shall be informed of the hearing and may attend. The hearing shall be ex parte without the right of cross-examination.

SECTION 480. 968.04 (3) (a) 6 of the statutes is amended to read:

968.04 (3) (a) 6. Command that the person against whom the complaint was made be arrested and brought before the judge issuing the warrant, or, if the judge is absent or unable to act, before some other judge in the same county. ~~Judges in counties~~ In judicial circuits having more than one judge ~~may issue rules for procedures to be followed in determining the chief judge of the administrative district shall determine~~ the judge before whom the initial appearance shall be made.

SECTION 481. 968.28 of the statutes is amended to read:

968.28 Application for court order to intercept communications. The attorney general together with the district attorney of any county may approve a request of an investigative or law enforcement officer to apply to the ~~circuit court in~~ chief judge of the judicial administrative district for the county where the interception is to take place for an order authorizing or approving the interception of wire or oral communications. ~~In counties having more than one branch of the circuit court the application shall be made only to the lowest numbered branch having criminal jurisdiction.~~ The chief judge of such court may under s. 968.30 grant an order authorizing or approving the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense for which the application is made. The authorization shall be permitted only ~~when such~~ if the interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, commercial gambling, bribery, extortion and dealing in controlled substances or any conspiracy to commit any of the foregoing offenses.

SECTION 482. 969.06 of the statutes is amended to read:

969.06 Bail schedules. ~~County judges having jurisdiction over misdemeanors~~ The judicial conference shall by rule adopt ~~develop~~ a schedule of cash bail for all

misdemeanors which the supreme court shall adopt by rule. The schedule shall contain a list of offenses and the amount of cash bail applicable thereto as the ~~judges determine~~ judicial conference determines to be appropriate. If the schedule does not list all misdemeanors, it shall contain a general clause providing for a designated amount of bail for all misdemeanors not specifically listed in the schedule. The schedule of bail may be revised from time to time under this section.

SECTION 483. 969.08 (3) of the statutes is amended to read:

969.08 (3) A defendant for whom conditions of release are imposed and who after 72 hours from the time of ~~his~~ the defendant's initial appearance before a judge continues to be detained in custody as a result of ~~his~~ the defendant's inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the judge of the court before whom the action against the defendant is pending. Unless the conditions of release are amended and the defendant is thereupon released, the judge shall set forth on the record ~~his~~ the reasons for requiring the continuation of the conditions imposed. A defendant who is ordered released on a condition which requires that he or she return to custody after specified hours shall, upon application, be entitled to a review by the judge of the court before whom the action is pending. Unless the requirement is removed and the defendant thereupon released on another condition, the judge shall set forth on the record the reasons for continuing the requirement. If the judge before whom the action is pending is not available, any other ~~county judge or~~ county judge or circuit judge of the county may review ~~such~~ the conditions.

SECTION 484. 970.02 (3), (4) and (5) of the statutes are amended to read:

970.02 (3) Upon request of a defendant charged with a misdemeanor, the judge shall immediately set a date for the trial. ~~If the judge does not have jurisdiction to try the case, he shall forthwith transfer the case to a court which has jurisdiction. Judges of courts of record in the county may adopt rules to facilitate such transfers.~~

(4) A defendant charged with a felony may waive preliminary examination, and upon ~~such~~ the waiver, the judge shall bind ~~him~~ the defendant over for trial ~~to either the circuit or county court.~~

(5) If the defendant does not waive preliminary examination, the judge shall forthwith transfer the action to the county circuit court for a preliminary examination ~~pursuant to~~ under s. 970.03. ~~Judges of courts of record in the county~~ The chief judge of each judicial administrative district may adopt rules to facilitate ~~such~~ the transfers.

SECTION 485. 970.03 (7) of the statutes is amended to read:

970.03 (7) If the court finds probable cause to believe that a felony has been committed by the defendant, it shall bind ~~him~~ the defendant over for trial ~~to either the circuit or county court.~~

SECTION 486. 971.20 (1) of the statutes is amended to read:

971.20 (1) The defendant or the defendant's attorney may file with the clerk a written request for a substitution of a new judge for the judge assigned to the trial of that case. ~~Such~~ The request shall be signed by the defendant or the defendant's attorney personally and shall be made before making any motion or before arraignment, ~~except that whenever a new judge is assigned to a case in place of the original judge, other than under this section, then a request for a substitution of judges may be made at any time before making any motion before such new judge or before commencement of any proceeding before such new judge. If a new judge is assigned to the trial of a case, a request for substitution must be made within 10 days of receipt of notice of assignment, provided that if the notice of assignment is received less than 10 days prior to trial, the request for substitution must be made within 24 hours of receipt of the notice and provided that if notification is received less than 24 hours prior to trial, the action shall proceed to trial only upon stipulation of the parties that the assigned judge may preside at the trial of the action.~~

SECTION 487. 971.20 (2) of the statutes, as affected by chapter 135, laws of 1977, is amended to read:

971.20 (2) Upon the filing of ~~such the~~ request in proper form and within the proper time the judge named in the request ~~shall be without~~ has no authority to act further in the case except to conduct the initial appearance, accept pleas of not guilty, and set bail. Except as provided in ~~sub. subs. (7) and (8)~~, no more than one judge may be substituted in any action.

SECTION 488. 971.20 (7) of the statutes, as created by chapter 135, laws of 1977, is renumbered 971.20 (8) and amended to read:

971.20 (8) If upon an appeal from a judgment or order or upon a writ of error the appellate court orders a new trial or reverses or modifies the judgment or order in a manner such that further proceedings in the trial court are necessary, the defendant or the defendant's attorney may file a request under sub. (1) within 20 days after the entry of the judgment or decision of the appellate court whether or not another request was filed prior to the time the appeal or writ of error was taken.

SECTION 489. 971.20 (7) of the statutes is created to read:

971.20 (7) If the judge who heard the preliminary examination is the same judge who is assigned to the trial of that case, the defendant or the defendant's attorney may file a request under sub. (1) within 7 days after the preliminary examination or at the time of the arraignment, whichever occurs first, and still retain the right for one additional request under sub. (1).

SECTION 490. 976.05 (2) (a) of the statutes is amended to read:

976.05 (2) (a) "Appropriate court" ~~shall~~, with reference to the courts of this state, ~~mean either~~ means the circuit ~~or county~~ court.

SECTION 491. **Initial conversion to complete circuit court system.** The county courts of this state are altered, in accordance with article XIV, section 16 (2), of the state constitution, by making the jurisdiction, powers, duties, functions, rights, benefits and compensation of county courts and county judges identical to the circuit courts and circuit judges. Until the terms of individual county judges expire, each county court shall be denominated as a circuit court, and each county judge shall be denominated as a circuit judge and assigned a branch number as specified in this section. Thereafter, the county court will be abolished and, except as provided in subs. (11) and (16), will be replaced by a branch of the circuit court, and the newly elected judge for the branch will be a circuit judge with the same circuit and branch designations as assigned in this section. Four judgeships shall be abolished without being replaced as specified in subs. (11), (16) and (49). Provisions within the statutes relating to circuit judges and circuit courts apply to county judges and county courts denominated as circuit judges and circuit courts under this section, except that the denomination is not an assumption of state office requiring compliance with section 19.43 of the statutes. As of August 1, 1978, the assignment of branch numbers is as follows:

(1) **ADAMS COUNTY.** The incumbent county judge of the county court for Adams county shall be denominated the circuit judge of the circuit court for Adams county.

(2) **ASHLAND COUNTY.** The incumbent county judge of the county court for Ashland county shall be denominated the circuit judge of the circuit court for Ashland county.

(3) **BARRON COUNTY.** The incumbent county judge of the county court for Barron county shall be denominated the circuit judge of the circuit court for Barron county.

(4) **BAYFIELD COUNTY.** The incumbent county judge of the county court for Bayfield county shall be denominated the circuit judge of the circuit court for Bayfield county.

(5) **BROWN COUNTY.** The incumbent circuit judges of branches 1 to 3 of the 14th judicial circuit shall become the circuit judges of branches 1 to 3 of the circuit court for Brown county. The incumbent county judges of branches 1 to 4 of the county court for Brown county shall be denominated the circuit judges of branches 4 to 7 of the circuit court for Brown county.

(6) **BUFFALO AND PEPIN COUNTIES.** The incumbent county judge of the combined district for Buffalo and Pepin counties shall be denominated the circuit judge of the circuit court for Buffalo and Pepin counties.

(7) **BURNETT COUNTY.** The incumbent county judge of the county court for Burnett county shall be denominated the circuit judge of the circuit court for Burnett county.

(8) **CALUMET COUNTY.** The incumbent county judge of the county court for Calumet county shall be denominated the circuit judge of the circuit court for Calumet county.

(9) **CHIPPEWA COUNTY.** The incumbent circuit judge of the 19th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Chippewa county. The incumbent county judge of the county court for Chippewa county shall be denominated the circuit judge of branch 2 of the circuit court for Chippewa county.

(10) **CLARK COUNTY.** The incumbent circuit judge of the 17th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Clark county. The incumbent county judge of the county court for Clark county shall be denominated the circuit judge of branch 2 of the circuit court for Clark county.

(11) **COLUMBIA COUNTY.** The incumbent circuit judge of the 25th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Columbia county. The incumbent county judge of branch 2 of the county court for Columbia county shall be denominated the circuit judge of branch 2 of the circuit court for Columbia county. The incumbent county judge of branch 1 of the county court for Columbia county shall be denominated the circuit judge of branch 3 of the circuit court for Columbia county for the remainder of his term or until the office becomes vacant under section 17.03 of the statutes, whichever is earlier, upon which date the office shall be abolished without being replaced.

(12) **CRAWFORD COUNTY.** The incumbent county judge of the county court for Crawford county shall be denominated the circuit judge of the circuit court for Crawford county.

(13) **DANE COUNTY.** The incumbent circuit judges of branches 1 to 4 of the 9th judicial circuit shall become the circuit judges of branches 1 to 4 of the circuit court for Dane county. The incumbent county judges of branches 1 to 6 of the county court for Dane county shall be denominated the circuit judges of branches 5 to 10 of the circuit court for Dane county. The initial election of the circuit judges of branches 11 and 12 of the circuit court for Dane county shall be at the spring election of 1979, for terms commencing August 1, 1979, and ending July 31, 1985.

(14) **DODGE COUNTY.** The incumbent circuit judge of the 13th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Dodge county. The incumbent county judges of branches 1 and 2 of the county court for Dodge county shall be denominated the circuit judges of branches 2 and 3 of the circuit court for Dodge county.

(15) **DOOR COUNTY.** The incumbent county judge of the county court for Door county shall be denominated the circuit judge of the circuit court for Door county.

(16) **DOUGLAS COUNTY.** The incumbent county judges of branches 1 and 2 of the county court for Douglas county shall be denominated the circuit judges of branches 1 and 2 of the circuit court for Douglas county. The incumbent county judge of branch 3 of county court for Douglas county shall be denominated the circuit judge of branch 3 of the circuit court for Douglas county for the remainder of his term or until the office becomes vacant under section 17.03 of the statutes, whichever is earlier, upon which date the office shall be abolished without being replaced. The office of circuit judge of the 11th judicial circuit shall be abolished on August 1, 1978, without being replaced.

(17) **DUNN COUNTY.** The incumbent county judge of the county court for Dunn county shall be denominated the circuit judge of the circuit court for Dunn county.

(18) EAU CLAIRE COUNTY. The incumbent judge of the 23rd judicial circuit shall become the circuit judge of branch 1 of the circuit court for Eau Claire county. The incumbent county judges of branches 1 and 2 of the county court for Eau Claire county shall be denominated the circuit judges of branches 2 and 3 of the circuit court for Eau Claire county.

(19) FLORENCE AND FOREST COUNTIES. The incumbent county judge of the combined district for Florence and Forest counties shall be denominated the circuit judge of the circuit court for Florence and Forest counties.

(20) FOND DU LAC COUNTY. The incumbent circuit judge of the 18th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Fond du Lac county. The incumbent county judges of branches 1 to 3 of the county court for Fond du Lac county shall be denominated the circuit judges of branches 2 to 4 of the circuit court for Fond du Lac county.

(21) GRANT COUNTY. The incumbent circuit judge of the 5th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Grant county. The incumbent county judge of county court for Grant county shall be denominated the circuit judge of branch 2 of the circuit court for Grant county.

(22) GREEN COUNTY. The incumbent county judge of the county court for Green county shall be denominated the circuit judge of the circuit court for Green county.

(23) GREEN LAKE COUNTY. The incumbent county judge of the county court for Green Lake county shall be denominated the circuit judge of the circuit court for Green Lake county.

(24) IOWA COUNTY. The incumbent county judge of the county court for Iowa county shall be denominated the circuit judge of the circuit court for Iowa county.

(25) IRON COUNTY. The incumbent county judge of the county court for Iron county shall be denominated the circuit judge of the circuit court for Iron county.

(26) JACKSON COUNTY. The incumbent county judge of the county court for Jackson county shall be denominated the circuit judge of the circuit court for Jackson county.

(27) JEFFERSON COUNTY. The incumbent county judges of branches 1 and 2 of the county court for Jefferson county shall be denominated the circuit judges of branches 1 and 2 of the circuit court for Jefferson county. The initial election of the circuit judge of branch 3 of the circuit court for Jefferson county shall be at the spring election of 1979, for a term commencing August 1, 1979, and ending July 31, 1985.

(28) JUNEAU COUNTY. The incumbent county judge of the county court for Juneau county shall be denominated the circuit judge of the circuit court for Juneau county.

(29) KENOSHA COUNTY. The incumbent circuit judges of branches 1 and 2 of the 1st judicial circuit shall become the circuit judges of branches 1 and 2 of the circuit court for Kenosha county. The incumbent county judges of branches 1 to 3 of the county court for Kenosha county shall be denominated the circuit judges of branches 3 to 5 of the circuit court for Kenosha county.

(30) KEWAUNEE COUNTY. The incumbent county judge of the county court for Kewaunee county shall be denominated the circuit judge of the circuit court for Kewaunee county.

(31) LA CROSSE COUNTY. The incumbent circuit judge of the 6th judicial circuit shall become the circuit judge of branch 1 of the circuit court for La Crosse county. The incumbent county judges of branches 1 and 2 of the county court for La Crosse county shall be denominated the circuit judges of branches 2 and 3 of the circuit court for La Crosse county.

(32) LAFAYETTE COUNTY. The incumbent county judge of the county court for Lafayette county shall be denominated the circuit judge of the circuit court for Lafayette county.

(33) LANGLADE COUNTY. The incumbent county judge of the county court for Langlade county shall be denominated the circuit judge of the circuit court for Langlade county.

(34) LINCOLN COUNTY. The incumbent county judge of the county court for Lincoln county shall be denominated the circuit judge of the circuit court for Lincoln county.

(35) MANITOWOC COUNTY. The incumbent circuit judge of the 4th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Manitowoc county. The incumbent county judges of branches 1 and 2 of the county court for Manitowoc county shall be denominated the circuit judges of branches 2 and 3 of the circuit court for Manitowoc county.

(36) MARATHON COUNTY. The incumbent circuit judge of the 16th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Marathon county. The incumbent county judges of branches 1 and 2 of the county court for Marathon county shall be denominated the circuit judges of branches 2 and 3 of the circuit court for Marathon county. The initial election of the circuit judge of branch 4 of the circuit court for Marathon county shall be at the spring election of 1979, for a term commencing August 1, 1979, and ending July 31, 1985.

(37) MARINETTE COUNTY. The incumbent circuit judge of the 20th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Marinette county. The incumbent county judge of the county court for Marinette county shall be denominated the circuit judge of branch 2 of the circuit court for Marinette county.

(38) MARQUETTE COUNTY. The incumbent county judge of the county court for Marquette county shall be denominated the circuit judge of the circuit court for Marquette county.

(39) MENOMINEE AND SHAWANO COUNTIES. The incumbent county judges of branches 1 and 2 of the combined district for Menominee and Shawano counties shall become the circuit judges of branches 1 and 2 of the circuit court for Menominee and Shawano counties.

(40) MILWAUKEE COUNTY. The incumbent circuit judges of branches 1 to 19 of the 2nd judicial circuit shall become the circuit judges of branches 1 to 19 of the circuit court for Milwaukee county. The incumbent county judges of branches 1 to 14 of the county court for Milwaukee county shall be denominated the circuit judges of branches 20 to 33 of the circuit court for Milwaukee county. The initial election of the circuit judges of branches 34 to 36 of the circuit court for Milwaukee county shall be at the spring election of 1979, for terms commencing August 1, 1979, and ending July 31, 1985. The initial election of the circuit judge of branch 37 of the circuit court for Milwaukee county shall be at the spring election of 1980, for a term commencing August 1, 1980, and ending July 31, 1986.

(41) MONROE COUNTY. The incumbent county judge of the county court for Monroe county shall be denominated the circuit judge of the circuit court for Monroe county.

(42) OCONTO COUNTY. The incumbent county judge of the county court for Oconto county shall be denominated the circuit judge of the circuit court for Oconto county.

(43) ONEIDA COUNTY. The incumbent county judge of the county court for Oneida county shall be denominated the circuit judge of the circuit court for Oneida county.

(44) OUTAGAMIE COUNTY. The incumbent circuit judge of the 10th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Outagamie county. The incumbent county judges of branches 1 to 3 of the county court for Outagamie county shall be denominated the circuit judges of branches 2 to 4 of the circuit court for Outagamie county.

(45) OZAUKEE COUNTY. The incumbent county judges of branches 1 and 2 of the county court for Ozaukee county shall be denominated the circuit judges of branches 1 and 2 of the circuit court for Ozaukee county. The initial election of the circuit judge of branch 3 of the circuit court for Ozaukee county shall be at the spring election of 1979, for a term commencing August 1, 1979, and ending July 31, 1985.

(46) PIERCE COUNTY. The incumbent county judge of the county court for Pierce county shall be denominated the circuit judge of the circuit court for Pierce county.

(47) POLK COUNTY. The incumbent county judge of the county court for Polk county shall be denominated the circuit judge of the circuit court for Polk county.

(48) PORTAGE COUNTY. The incumbent circuit judge of the 7th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Portage county. The incumbent county judge of the county court for Portage county shall be denominated the circuit judge of branch 2 of the circuit court for Portage county.

(49) PRICE COUNTY. The incumbent county judge of Price county shall be denominated the circuit judge of branch 1 of the circuit court for Price county. The office of circuit judge of the 15th judicial circuit shall be abolished on August 1, 1978, without being replaced.

(50) RACINE COUNTY. The incumbent circuit judges of branches 1 and 2 of the 21st judicial circuit shall become the circuit judges of branches 1 and 2 of the circuit court for Racine county. The incumbent county judges of branches 1 to 6 of the county court for Racine county shall be denominated the circuit judges of branches 3 to 8 of the circuit court for Racine county.

(51) RICHLAND COUNTY. The incumbent county judge of the county court for Richland county shall be denominated the circuit judge of the circuit court for Richland county.

(52) ROCK COUNTY. The incumbent circuit judge of the 12th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Rock county. The incumbent county judges of branches 1 to 4 of the county court for Rock county shall be denominated the circuit judges of branches 2 to 5 of the circuit court for Rock county. The initial election of the circuit judge of branch 6 of the circuit court for Rock county shall be at the spring election of 1979, for a term commencing August 1, 1979, and ending July 31, 1985.

(53) RUSK COUNTY. The incumbent county judge of the county court for Rusk county shall be denominated the circuit judge of the circuit court for Rusk county.

(54) ST. CROIX COUNTY. The incumbent circuit judge of the 8th judicial circuit shall become the circuit judge of branch 1 of the circuit court for St. Croix county. The incumbent county judge of the county court for St. Croix county shall be denominated the circuit judge of branch 2 of the circuit court for St. Croix county.

(55) SAUK COUNTY. The incumbent county judges of branches 1 and 2 of the county court for Sauk county shall be denominated the circuit judges of branches 1 and 2 of the circuit court for Sauk county.

(56) SAWYER COUNTY. The incumbent county judge of the county court for Sawyer county shall be denominated the circuit judge of the circuit court for Sawyer county.

(57) SHEBOYGAN COUNTY. The incumbent county judges of branches 1 to 3 of the county court for Sheboygan county shall be denominated the circuit judges of branches 1 to 3 of the circuit court for Sheboygan county. The initial election of the circuit judge of branch 4 of the circuit court for Sheboygan county shall be at the spring election of 1979, for a term commencing August 1, 1979, and ending July 31, 1985.

(58) TAYLOR COUNTY. The incumbent county judge of the county court for Taylor county shall be denominated the circuit judge of the circuit court for Taylor county.

(59) TREMPLEALEAU COUNTY. The incumbent county judge of the county court for Trempealeau county shall be denominated the circuit judge of the circuit court for Trempealeau county.

(60) **VERNON COUNTY.** The incumbent county judge of the county court for Vernon county shall be denominated the circuit judge of the circuit court for Vernon county.

(61) **VILAS COUNTY.** The incumbent county judge of the county court for Vilas county shall be denominated the circuit judge of the circuit court for Vilas county.

(62) **WALWORTH COUNTY.** The incumbent circuit judge of the 26th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Walworth county. The incumbent county judges of branches 1 and 2 of the county court for Walworth county shall be denominated the circuit judges of branches 2 and 3 of the circuit court for Walworth county.

(63) **WASHBURN COUNTY.** The incumbent county judge of the county court for Washburn county shall be denominated the circuit judge of the circuit court for Washburn county.

(64) **WASHINGTON COUNTY.** The incumbent circuit judge of the 24th judicial circuit shall become the circuit judge of branch 1 of the circuit court for Washington county. The incumbent county judges of branches 1 and 2 of the county court for Washington county shall be denominated the circuit judges of branches 2 and 3 of the circuit court for Washington county.

(65) **WAUKESHA COUNTY.** The incumbent circuit judges of branches 1 and 2 of the 22nd judicial circuit shall become the circuit judges of branches 1 and 2 of the circuit court for Waukesha county. The incumbent county judges of branches 1 to 5 of the county court for Waukesha county shall be denominated the circuit judges of branches 3 to 7 of the circuit court for Waukesha county. The initial election of the circuit judges of branches 8 and 9 of the circuit court for Waukesha county shall be at the spring election of 1979, for terms commencing August 1, 1979, and ending July 31, 1985.

(66) **WAUPACA COUNTY.** The incumbent county judges of branches 1 and 2 of the county court for Waupaca county shall be denominated the circuit judges of branches 1 and 2 of the circuit court for Waupaca county.

(67) **WAUSHARA COUNTY.** The incumbent county judge of the county court for Waushara county shall be denominated the circuit judge of the circuit court for Waushara county.

(68) **WINNEBAGO COUNTY.** The incumbent circuit judges of branches 1 and 2 of the 3rd judicial circuit shall become the circuit judges of branches 1 and 2 of the circuit court for Winnebago county. The incumbent county judges of branches 1 to 3 of the county court for Winnebago county shall be denominated the circuit judges of branches 3 to 5 of the circuit court for Winnebago county.

(69) **WOOD COUNTY.** The incumbent county judges of branches 1 and 2 of the county court for Wood county shall be denominated the circuit judges of branches 1 and 2 of the circuit court for Wood county.

SECTION 492. Initial terms of judicial commission members. The initial terms of members of the judicial commission shall be as follows:

- (1) One year: the trial judge, one lawyer and one nonlawyer.
- (2) Two years: the court of appeals judge, one lawyer and one nonlawyer.
- (3) Three years: 3 nonlawyers.

SECTION 493. Pending matters. On August 1, 1978, all actions and proceedings pending in each county court, or branch thereof, shall be transferred to the court, or branch thereof, that it has become, as specified in **SECTION 491** of this act.

SECTION 494. Legislative council study. (1) The legislative council shall appoint a special committee to study current fines, forfeitures and court-related fees and costs to consider whether specific fines, forfeitures or court-related fees and costs should be raised, lowered, abolished or retained and whether the percentage of such amounts payable to the state should be raised, lowered or retained. The committee shall particularly study costs with a view towards improving administration and the uniform application of costs.

(2) In connection with the study and thereafter for administrative use by the judicial branch, the administrative director of courts shall develop a system, including reporting requirements, to gather information regarding the amount of money received by court reporters from transcript fees and free lance work.

(3) The legislative council shall report its findings and recommendations to the legislature not later than January 1, 1981.

SECTION 495. Benefits or credits prior to August 1, 1978. Nothing in this act affecting the provisions of subch. I of ch. 41, 1975 Wis. stats., shall affect benefits or service credits recognized under the Wisconsin retirement fund on the day before August 1, 1978.

SECTION 495g. Transition period; court assigned jurisdiction for children's code matters. From August 1, 1978, to November 18, 1978, in each judicial circuit the powers and duties of the juvenile court shall be carried out by the court assigned to exercise jurisdiction under chapter 48 of the statutes.

SECTION 495r. Jury lists. Notwithstanding the treatment of sections 255.01, 255.02, 255.03 and 255.04 of the statutes by chapter 318, laws of 1977, jury lists prepared prior to the effective date of chapter 318, laws of 1977, may be used as the source of names for panel lists and reserve panel lists until April 2, 1979.

SECTION 496. 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:

Statute Sections	Old Cross References	New Cross References
20.765 (1)(d)	13.90 (7)	13.90 (1)(g)
41.105 (5)	41.10 (5), (6) and (8)	41.10 (5) and (6)
300.05 (3)	751.03 (5)	751.03 (2)

SECTION 497. Term changes. (1) Wherever the term "county court" or "county courts" appears in the following sections of the statutes, the term "circuit court" or "circuit courts" is substituted: 23.50 (1), 23.74 (1), 23.77 (1) (a), 45.30 (1) (a), 46.10 (4), 48.43 (4), 48.83 (1), 49.172 (4) and (6), 51.37 (8) (a), 51.38, 51.45 (2) (e), (8) (f), (12) (b) (intro.) and (13) (a) (intro.), 55.06 (2) (intro.) and (b), 66.114 (1), 72.01 (4) and (5), 72.23 (2), 72.24, 72.28 (2) (b), 72.30 (3) (b) and (e), (4) and (5), 72.35 (6) (intro.), 74.11 (1) and (4), 88.01 (5), 93.24 (1) (c) 1, 95.31 (2), 95.32 (1) and (3), 95.37 (1), 157.06 (2), 157.08 (2) and (4), 182.0175 (3), 287.26, 288.015, 289.57 (1), Title XXVIIA (title), ch. 299 (title), 299.01 (intro.), 299.03, 299.05 (6) and (7), 299.06 (1) and (3), 299.12 (4), 299.16 (4), 299.44 (4), 300.06, 345.425 (1), 345.50 (1), 425.205 (2), 701.14 (title) and (1), 701.23 (1), 755.14 (1) (a) and (b), 755.15, 755.16, 814.21 (1) (b), 867.045 (3), 880.05, 880.16 (4), 882.03, 889.28, 893.41, 968.04 (1) (b), 968.20 (1) (intro.) and 979.14.

(2) Wherever the term "county judge" or "county judges" appears in the following sections of the statutes, the term "circuit judge" or "circuit judges" is substituted: 45.052 (1) (d), 55.06 (5), 59.18, 80.48 (3), 149.08, 157.03 (6) (b), 157.04 (4), 157.05 (3), 157.11 (9) (b) and (f), 300.06 (2), 601.53 (1) and 880.08 (1).

(3) Wherever the term "judge" or "county judge" appears in the following sections of the statutes, the term "county director of public welfare" is substituted: 142.03 (4), 142.04 (2) and 142.08 (5).

SECTION 498. Program responsibilities. In the list of program responsibilities specified for the department of administration under section 15.101 (intro.) of the statutes, as affected by the laws of 1977, reference to sections "253.07" and "755.07" are deleted.

SECTION 499. Effective dates. (1) Except as provided in sub. (2), this act takes effect on August 1, 1978.

(2) The treatment of sections 46.03 (7) (a), 48.02 (2m) and (10), 48.04 (2), 48.06 (1) (a) and (b) and (2), 48.065 (1), (2) (intro.) and (h) and (4), 48.067 (6) and (9), 48.17 (2), 48.18 (title), (5) (d) and (6), 48.19 (1) (b), 48.20 (7) and (8), 48.22 (1) and (3), 48.23 (1) (c), 48.275, 48.35 (1) (c) and (2), 48.37, 48.373, 48.396, 48.397 (1) (a), 48.41, 48.47 (1), 48.48 (1) and (3), 48.57 (1) (a), (b), (e),

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(f) and (hm), 48.61 (1), 115.81 (8) and 880.15 (1) of the statutes by this act takes effect November 18, 1978.
