

No. 695, S.

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CHAPTER 544

AN ACT to amend 12.25 (2), 14.13 (2), 20.180 (3), 21.13, 251.19 and 271.25 (4) of the statutes, to correct cross references relating to special counsel and legal expenses.

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

SECTION 1. 12.25 (2) of the statutes is amended to read:

12.25 (2) The special counsel provided for by this chapter shall receive a reasonable compensation for his services, not to exceed, however, \$25 per day for the time actually spent in conducting the proceedings in the trial court or upon appeal, and not to exceed \$10 per day for the time necessarily expended in preparation therefor. Such compensation shall be audited by the department of administration, and paid out of the state treasury upon a voucher and upon the certificate of the officer appointing such counsel to the effect that such appointment has been duly made, that the person so appointed has faithfully performed the duties imposed upon him, and that the number of days stated in such voucher have been con-

sumed in conducting such litigation and in preparation therefor. Such compensation shall be charged to the legal expense appropriation * * * in s. 20.180 * * * (3).

SECTION 2. 14.13 (2) of the statutes is amended to read:

14.13 (2) When special counsel is employed, a contract in writing shall be entered into between the state and such counsel, in which shall be fixed the compensation to be paid such counsel by the state. The contract shall be executed in behalf of the state by the governor, and shall be filed in the office of the secretary of state. Such compensation shall be charged to the * * * *special counsel* appropriation * * * in s. 20.180 (2).

SECTION 3. 20.180 (3) of the statutes is amended to read:

20.180 (3) Annually, beginning July 1, 1949, a sum sufficient for the payment of expenses incurred by the attorney general, his deputy or assistants in the prosecution or defense of any action or proceeding in which the state may be a party or may have an interest, for any abstract of title, clerk of court's fees, sheriff's fees, or any other expense actually necessary to the prosecution or defense of such cases; *for the payment of expenses incurred where the attorney general's office is not involved, and where the statutes provide that such expenses shall be paid from this appropriation;* unless such cost or expenses are charged to some other appropriation. *Legal expenses charged to this appropriation, which were incurred prior to January 1, 1960, shall not be honored after the effective date of this amendment (1964).*

SECTION 4. 21.13 of the statutes is amended to read:

21.13 If any member of the national guard or the state guard * * * is prosecuted by any civil or criminal action for any act performed by such member while in the performance of his military duty and in pursuance thereof, the action against such member may, in the discretion of the governor, be defended by counsel appointed therefor by the governor upon the recommendation of the attorney general. The costs and expenses of any such defense shall be audited by the department of administration and paid out of the state treasury and charged to the * * * *special counsel* appropriation in s. 20.180 (2) and if the jury or court finds that the member of the national guard against whom the action is brought acted in good faith the judgment as to damages entered against him shall also be paid by the state.

SECTION 5. 251.19 of the statutes is amended to read:

251.19 In all state cases to be argued in the supreme court by the attorney general he may, in his discretion, require to be printed by the state printer, when necessary, copies of or abstracts from the record and his arguments and brief, and in any criminal case, the case and * * * briefs of any poor and indigent defendant; and the account therefor shall be paid out of the state treasury and charged to the *legal expense* appropriation * * * in s. 20.180 * * * (3) for the attorney general.

SECTION 6. 271.25 (4) of the statutes is amended to read:

271.25 (4) The fees of the reporter of the court for transcribing the testimony taken in any action against the public service commission in which these statutes require the court to transmit such testimony to such commission. Expenses under this section shall be charged to the legal expense appropriation * * * in s. 20.180 * * * (3), except where elsewhere specifically charged to some other appropriation.

Approved May 25, 1964.