

2003 DRAFTING REQUEST

Bill

Received: **10/04/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **Janine**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Ladwig@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sheriff's fees set by the county

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 10/23/2002			_____			Local
/1	mlief 10/25/2002	csicilia 10/25/2002	pgreensl 11/01/2002	_____	sbasford 11/01/2002		Local
	mlief 10/29/2002	jdye 11/01/2002		_____			

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/2	mlief 11/26/2002	jdyer 11/27/2002	chaskett 11/27/2002	_____	lemery 11/27/2002	lemery 12/09/2002	

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Att intro.

<END>

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			2-11/26 cc	2/			
		1/27 jlw		2 11/27			
				10/27			

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		1 1/1 jld	1/1 DS	1/1 self			

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1/1
DS

1/1
self

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Sheriff's fees set by the county

Make everything in 814.70 subject to county increase under 819.70 but not to exceed to costs incurred

Instructions:

See Attached

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<END>



jld

2003 BILL

gen

1 AN ACT ...; relating to: sheriff's fees established by the county.

Analysis by the Legislative Reference Bureau

Current law establishes sheriff's fees for various costs incurred by the sheriff in carrying out court-related services, but allows a county board to establish a higher sheriff's fee for service of process, execution of judgment, and travel related to civil and criminal process.

This bill allows a county board to establish a higher sheriff's fee for any of these court-related services, provided that the fee does not exceed the actual cost incurred.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 59.32 (1) of the statutes is amended to read:

3 59.32 (1) SHERIFF; FEES. The sheriff shall collect the fees prescribed in s. 814.70,
4 unless a higher fee is applicable under s. 814.705 (1) (a) or (2), and remit them to the
5 treasurer as provided in s. 59.22 (1) (b).

History: 1991 a. 316; 1995 a. 201 ss. 288, 291 to 294; 1995 a. 225; 1997 a. 27.

6 SECTION 2. 814.705 (1) (a) of the statutes is repealed.

BILL

1 **SECTION 3.** 814.705 (2) of the statutes is amended to read:

2 814.705 (2) With respect to sheriff's fees for the sale of real estate under s.

3 ~~814.70~~ (9) ~~814.70~~, the county board may establish a higher fee in an amount not to
4 exceed \$150 the actual cost incurred.

5 History: 1987 a. 181; 1993 a. 246; 1997 a. 27.

(END)

Lief, Madelon

From: Hale, Janine
Sent: Thursday, November 21, 2002 11:12 AM
To: Lief, Madelon
Subject: draft of LRB 0353/1 sheriff fees

Lonnie,

I am contacting you in regards to LRB 0353/1 relating to sheriff fees. Rep. Ladwig requested this draft on behalf of the Racine County Sheriff who has reviewed the draft. He has suggested changing the draft to add 814.70(8) to the list of references under 814.075. This would address the problem. I've enclosed a copy of the letter explaining his suggestions. Please redraft LRB 0353 accordingly. If you have any questions please feel free to contact myself or Rep. Ladwig.

Thank you,

Janine Hale

Janine L. Hale, Chief of Staff
State Representative Bonnie Ladwig
63rd Assembly District
113 West, State Capitol
P.O. Box 8952
Madison, WI 53708
(608)266-9171
1-888-534-0063
janine.hale@legis.state.wi.us



sheriff's dept
response to dra...



RACINE COUNTY SHERIFF'S DEPARTMENT

717 Wisconsin Avenue, Racine, WI 53403-1237
(262) 636-3213 FAX (262) 637-5279
Waterford (262) 534-5166 Burlington (262) 763-9558

Sheriff William L. McReynolds

Chief Deputy William R. Gabbey

November 14, 2002

To: Representative Bonnie Ladwig

From: Chief Deputy William Gabbey

Re: Sheriff Fees - 59.32, 814.70 & 814.705

I and several members of our staff have reviewed the draft of the proposed changes that you faxed to me yesterday.

Our only real problem with the statutes as they are today was 814.70(8) where it limits us to "\$10.00 per hour for each deputy assigned to inventory the property when seizing . . ."

Our consensus is that our concerns would be best addressed if we were able to simply leave 59.32 as it is and amend 814.705(1) to read:

- 814.075 Governing body may establish higher fees. (1) With respect to the sheriff's fees enumerated in s. 814.70 (1), (2), (3)(a) and (b), (4)(a) and (b), and (8):

With regard to 814.705(2):

We are concerned with the proposed language that includes ". . . in an amount not to exceed actual cost incurred."

We feel this would be better left at the current \$150.00 because the proposed "actual cost incurred" language for the sale of real estate would likely create an accounting nightmare if we have to document the time of everyone that has a hand in that process. The current \$150 will likely be adequate for several years to come and it's a much cleaner system with a flat rate for this particular service.

Thank you,

William L. McReynolds
Sheriff, Racine County

By: 
William R. Gabbey
Chief Deputy



2003 BILL

Regen

1 AN ACT *to repeal* 814.705 (1) (a); and *to amend* 59.32 (1) and 814.705 (2) of the
2 statutes; **relating to:** sheriff's fees established by the county.

Analysis by the Legislative Reference Bureau

Current law establishes sheriff's fees for various costs incurred by the sheriff in carrying out court-related services, but allows a county board to establish a higher sheriff's fee for service of process, execution of judgment, and travel related to civil and criminal process.

This bill allows a county board to establish a higher sheriff's fee for ~~any of these~~ ^{seizure of property and evictions} court-related services, provided that the fee does not exceed the actual cost incurred.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

INS ✓
1-3 (3)

SECTION 1. 59.32 (1) of the statutes is amended to read:
59.32 (1) SHERIFF FEES. The sheriff shall collect the fees prescribed in s. 814.70, unless a higher fee is applicable under s. 814.705 (1) (a) or (2), and remit them to the treasurer as provided in s. 59.22 (1) (b).

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6

BILL

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6

~~SECTION 2. 814.705 (1) (a) of the statutes is repealed.~~

~~SECTION 3. 814.705 (2) of the statutes is amended to read:~~

~~814.705 (2) With respect to sheriff's fees for the sale of real estate under s.
814.70 (9), the county board may establish a higher fee in an amount not to exceed
\$150 the actual cost incurred.~~

(END)

Emery, Lynn

From: Hale, Janine
Sent: Monday, December 09, 2002 10:07 AM
To: LRB.Legal
Subject: Draft review: LRB-0353/2 Topic: Sheriff's fees set by the county

It has been requested by <Hale, Janine> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0353/2 Topic: Sheriff's fees set by the county