

CHAPTER 325, LAWS OF 1967

AN ACT to amend 59.475 and 271.21; and to create 20.550 (7), 59.42 (1) (e) and 59.471 of the statutes, relating to salaries of district attorneys, establishing certain court fees and making an appropriation.

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

SECTION 1. The purpose of this bill is to recognize that district attorneys represent the state, to provide for part payment of their salaries out of the state treasury and to classify the several counties of the state with reference thereto.

SECTION 2. 20.550 (7) of the statutes is created to read:

20.550 (7) DISTRICT ATTORNEY SALARY SUPPLEMENT. A sum sufficient to pay the counties the amounts prescribed under s. 59.471.

SECTION 3. 59.42 (1) (e) of the statutes is created to read:

59.42 (1) (e) An additional fee of \$2 shall be assessed against the defendant and when paid by him shall be paid into the state treasury.

SECTION 4. 59.471 of the statutes is created to read:

59.471 DISTRICT ATTORNEY; SALARY. Each district attorney shall receive the minimum salary specified in subs. (1) and (2) or specified in sub. (3).

(1) Each district attorney shall receive for his services \$4,500 per year, payable monthly under s. 20.550 (7) to the county in which he is elected. Such salary shall be paid to the district attorney in equal semimonthly installments by such county, out of the county treasury. The state shall reimburse each county the amount of such salary.

(2) In counties where the district attorney is permitted to practice law privately, the minimum salary payable semimonthly out of the county treasury, in addition to the amount paid under sub. (1), shall be:

(a) \$3,500 per year in counties having less than 20,000 population.

(b) \$4,500 per year in counties having 20,000 but less than 40,000 population.

(c) \$5,500 per year in counties having 40,000 but less than 60,000 population.

(d) \$6,500 per year in counties having 60,000 but less than 80,000 population.

(e) \$7,500 per year in counties having 80,000 but less than 100,000 population.

(f) \$8,500 per year in counties having 100,000 or more population.

(3) In counties where the district attorney is not permitted to practice law privately, the minimum salary, payable semimonthly, shall be \$16,500, and the county in which he is elected shall pay out of the county treasury that portion of the district attorney's salary which is not paid under sub. (1).

(4) Each full-time deputy district attorney and full-time assistant district attorney shall receive for his services \$3,000 per year payable monthly under s. 20.550 (7) to the county in which he serves. Such salary shall be paid to the deputy district attorney or assistant district attorney in equal semimonthly installments by such county, out of the county treasury. The state shall reimburse each county the amount of such salary.

SECTION 4m. 59.475 of the statutes is amended to read:

59.475 Menominee county shall be 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 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 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 involved, and for such purposes the county board of supervisors of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to pay its share of such expenses. If the 2 county boards are unable to agree on the prorating of expenditure involved, then the judge of the circuit court for the tenth circuit shall, upon appropriate notice and hearing, determine the prorating of such expenditures on the basis of a fair allocation to each county under such procedures as he shall ~~prescribe~~ *prescribes*. *The district attorney of Shawano county shall be on a full-time basis as long as his duties include serving as district attorney for Menominee county.*

SECTION 5. 271.21 of the statutes is amended to read:

271.21 In each civil action, special proceeding, except probate proceedings, and cognovit judgment in the circuit or county court, excluding all matters brought into the probate branches, a suit tax of \$5 shall be paid at the time the action is commenced, except that in actions by small claim type procedure and forfeiture actions in the county court, the tax is \$1. A municipality need not advance the \$1 tax but shall be exempt from payment of such tax until the defendant pays costs pursuant to s. 299.25. The 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 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. *An additional suit tax of \$2 shall be collected from defendants in all actions for violations of traffic regulations enacted under s. 349.06, and shall be paid into the state treasury.*

SECTION 6. This act shall take effect on the first day of the month following passage and publication.

Approved January 12, 1968.