

2
3 - AUTHORIZING THE EAU CLAIRE COUNTY CLERK OF CIRCUIT COURT TO
4 CONTRACT WITH THE WISCONSIN DEPARTMENT OF REVENUE OR ANY OTHER
5 DEBT COLLECTOR FOR UNPAID DEBT COLLECTION -
6

7 WHEREAS, Wis. Stat. § 59.52 (28) states: "COLLECTION OF COURT IMPOSED
8 PENALTIES. The board may adopt a resolution authorizing the clerk of circuit court, under s. 59.40
9 (4), to contract with a debt collector, as defined in s. 427.103(3), or enter into an agreement with the
10 department of revenue under s. 71.93 (8) for the collection of debt."; and

11 WHEREAS, Wis. Stat. § 59.40(4) states: CLERK OF CIRCUIT COURT; DEBT
12 COLLECTOR CONTRACT. If authorized by the board under s. 59.52 (28), the clerk of circuit court
13 may contract with a debt collector, as defined in s. 427.103 (3), or enter into an agreement with the
14 department of revenue under s. 71.93 (8) for the collection of debt. Any contract entered into with a
15 debt collector shall provide that the debt collector shall be paid from the proceeds recovered by the
16 debt collector. Any contract entered into with the department shall provide that the department shall
17 charge a collection fee, as provided under s. 71.93 (8) (b) 1. The net proceeds received by the clerk
18 of circuit court after the payment to the debt collector shall be considered the amount of debt
19 collected for purposes of distribution to the state and county under sub. (2) (m)."; and
20

21 WHEREAS, the Eau Claire County Clerk of Circuit Court recommends contracting with
22 the department of revenue and other debt collectors to further enhance debt collection efforts.
23

24 NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors
25 authorizes the Eau Claire County Clerk of Circuit Court to contract with the Wisconsin Department
26 of Revenue and other debt collectors as determined by the Clerk of Circuit Court to recover unpaid
27 debt.
28

29 BE IT FURTHER RESOLVED that the Eau Claire County Clerk be directed to forward a
30 copy of this resolution the Eau Claire County Clerk of Circuit Court.
31

32 Fiscal Note:
33

34 _____
35 _____
36 _____
37 _____
38 _____
39 _____
40 _____
41 _____
42 _____
43 _____

44 _____
45 Committee on Judiciary and Law Enforcement
46

47 KRZ/yk

48 Dated this _____ day of _____, 2016.
49

FACT SHEET

TO FILE NO. 16-17/078

This resolution authorizes the Clerk of Circuit Court to contract with debt collectors including the State of Wisconsin Department of Revenue to collect debts. Advantages to using the State DOR include the resources the State has to determine the amount individuals can reasonably pay, the ability to do wage garnishments and bank levies, to collect from Minnesota residents and do out of state collections that involve national banks. The State DOR also charges the debtor a fee for collection.

If the State DOR is unsuccessful for 2 years the collection is returned to the County at which time it can be turned over to other debt collectors. Other debt collectors also have more resources than does the Clerk of Circuit Court and having the debt collection done by debt collectors is the best use of clerk of court staff.

Fiscal Impact: Estimated additional \$60,000 returned to the County in 2017.

Respectfully Submitted,

Ashley Proue
Chief Deputy Clerk of Court

AEP/yk

Ordinance/16-17.078 Fact