



2003 ASSEMBLY BILL 959

March 11, 2004 - Introduced by Representatives KRUG, NASS, BERCEAU, ALBERS, J. LEHMAN and MUSSEY, cosponsored by Senators RISSER and CARPENTER. Referred to Committee on Rules.

1 **AN ACT to renumber** 20.930; **to amend** 13.90 (2) and 14.11 (2) (b); and **to create**
2 13.455, 13.90 (10), 20.930 (2) and 751.16 of the statutes; **relating to:**
3 compensation paid to private attorneys who are retained to represent the state.

Analysis by the Legislative Reference Bureau

Currently, with limited exceptions, state agencies in the executive branch may retain private attorneys, subject to the approval of the governor. The governor may appoint special counsel to represent the state in certain instances where the attorney general is unable or declines to serve. The Supreme Court, the Joint Committee on Legislative Organization and the committees on organization of each house of the legislature may retain private attorneys to represent the judicial branch, the legislative branch, or the senate or assembly, respectively.

This bill provides that no private attorney may be retained in any branch of state government for a fee that exceeds \$275 per hour unless the Joint Committee on Finance authorizes payment of a higher fee for a specific engagement.

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

4 **SECTION 1.** 13.455 of the statutes is created to read:
5 **13.455 Attorney fees.** The committees on organization of the senate and
6 assembly shall not retain or authorize retention of any attorney for a fee exceeding

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1 \$275 per hour unless the joint committee on finance authorizes payment of a higher
2 fee for a specific engagement.

3 **SECTION 2.** 13.90 (2) of the statutes, as affected by 2003 Wisconsin Act 33, is
4 amended to read:

5 13.90 (2) The cochairpersons of the joint committee on legislative organization
6 or their designated agent shall accept service made under s. 806.04 (11). If the
7 committee, the senate organization committee or the assembly organization
8 committee, determines that the legislature should be represented in the proceeding,
9 that committee shall designate the legislature's representative for the proceeding,
10 subject to sub. (10). The costs of participation in the proceeding shall be paid equally
11 from the appropriations under s. 20.765 (1) (a) and (b) or shall be paid from the
12 appropriation under s. 20.765 (5), if applicable, except that such costs incurred by the
13 department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

14 **SECTION 3.** 13.90 (10) of the statutes is created to read:

15 13.90 (10) The joint committee on legislative organization shall not retain or
16 authorize the retention of any attorney for a fee exceeding \$275 per hour unless the
17 joint committee on finance authorizes payment of a higher fee for a specific
18 engagement.

19 **SECTION 4.** 14.11 (2) (b) of the statutes is amended to read:

20 14.11 (2) (b) When special counsel is employed, a contract in writing shall be
21 entered into between the state and such counsel, in which shall be fixed the
22 compensation to be paid such counsel by the state. No such compensation may be
23 paid at a rate exceeding \$275 per hour unless the joint committee on finance
24 authorizes payment of compensation at a higher rate for a specific engagement. The
25 contract shall be executed in behalf of the state by the governor, and shall be filed in

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1 the office of the secretary of state. Such compensation shall be charged to the special
2 counsel appropriation in s. 20.455 (1) (b).

3 **SECTION 5.** 20.930 of the statutes is renumbered 20.930 (1).

4 **SECTION 6.** 20.930 (2) of the statutes is created to read:

5 20.930 (2) No state agency in the executive branch that is authorized under any
6 law to employ an attorney may engage an attorney for a fee exceeding \$275 per hour
7 unless the joint committee on finance authorizes payment of a higher fee for a specific
8 engagement.

9 **SECTION 7.** 751.16 of the statutes is created to read:

10 **751.16 Attorney fees.** The supreme court shall not retain or authorize
11 retention of an attorney for a fee exceeding \$275 per hour unless the joint committee
12 on finance authorizes payment of a higher fee for a specific engagement.

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(END)