

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/10/2002

Received By: nelsorp1

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-3692

By/Representing: Onsager

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Justice - civil

Extra Copies:

Submit via email: NO

Pre Topic:

LFB:.....Onsager -

Topic:

Delete department of justice investigation and prosecution appropriation

Instructions:

See 20.455 (1) (gh)

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>
/1	nelsorp1	chanaman	lrb_compile		lrb_docadmin		
	03/12/2002	03/12/2002	03/12/2002		03/12/2002		
/2	nelsorp1	jdycr	kfollet		lrb_docadmin		
	03/13/2002	03/13/2002	03/13/2002		03/13/2002		

FE Sent For:

<END>

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/10/2002

Received By: nelsorp1

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-3692

By/Representing: Onsager

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Justice - civil

Extra Copies:

Submit via email: NO

Pre Topic:

LFB:.....Onsager -

Topic:

Delete department of justice investigation and prosecution appropriation

Instructions:

See 20.455 (1) (gh)

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>
/1	nelsorp1	chanaman	lrb_compile				
	03/12/2002	03/12/2002	03/12/2002		lrb_docadmin 03/12/2002		
FE Sent For:		1/2 3/13 jcd	3/11/3	self 3/11/3			
				<END>			

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: **03/10/2002**

Received By: **nelsorp1**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3692**

By/Representing: **Onsager**

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

Drafter: **nelsorp1**

May Contact:

Addl. Drafters:

Subject: **Justice - civil**

Extra Copies:

Submit via email: **NO**

Pre Topic:

LFB:.....Onsager -

Topic:

Delete department of justice investigation and prosecution appropriation

Instructions:

See 20.455 (1) (gh)

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>
/1	nelsorp1	amb 1	sgj 3/12	self 3/12			

FE Sent For:

3/12

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 3/9/2002

DELIVER TO: Bob Nelson

Addressee Fax #: 4-6948

Addressee Phone #: _____

of Pages, Including Cover: 2

Sender's Initials: PO

From: Paul. Onsager

Message: Assembly Amendment to Budget Adjustment
Bill

Budget Amendments 2002

Legislator: Kanavas

Statement of Intent: Regulate Attorney General's Discretion on Money Won in a Settlement

Legislator 2:

Amendment:

Legislator 3:

File of Bill:

Legislator 4:

On:

Staff contact: Mike Richards

Withdrawn:

Agency:

Package:

Summary: This motion would make all money won in a settlement to be turned over to Wisconsin's GPR fund.

Fiscal Impact: Indeterminate

Staff Analyst:

Request #: 334

Change to be included

Working Group Recommendation: Delete the Department of Justice's (DOJ's) investigation and prosecution appropriation and provide that DOJ no longer be credited 10% of all moneys received for the expenses of investigation and prosecution of violations, including attorneys fees, under the following statutes: (a) medical assistance; (b) marketing; trade practices; (c) trusts and monopolies; (d) water and sewage; (e) pollution discharge elimination; (f) solid waste facilities; (g) remedial action; (h) metallic mining; (i) nonmetallic mining reclamation; and (j) general environmental provisions.

[Change to Joint Finance: \$60,000 GPR-Earned]

2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2372/1
RPN:.....

Cmt

LFB:.....Onsager - Delete department of justice investigation and
prosecution appropriation

FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 17, line 5: after that line insert:

3 "SECTION 41m. 20.455 (1) (gh) of the statutes is repealed."

4 **2.** Page 41, line 13: after that line insert:

5 "SECTION 128g. 49.49 (6) of the statutes is amended to read:

6 49.49 (6) RECOVERY. In addition to other remedies available under this section,
7 the court may award the department of justice the reasonable and necessary costs
8 of investigation, an amount reasonably necessary to remedy the harmful effects of
9 the violation and the reasonable and necessary expenses of prosecution, including
10 attorney fees, from any person who violates this section. The department of justice

1 shall deposit in the state treasury for deposit in the general fund all moneys that the
2 court awards to the department or the state under this subsection. ~~Ten percent of~~
3 ~~the money deposited in the general fund that was awarded under this subsection for~~
4 ~~the costs of investigation and the expenses of prosecution, including attorney fees,~~
5 ~~shall be credited to the appropriation account under s. 20.455 (1) (gh).~~ *please fix*

History: 1977 c. 418; 1979 c. 89; 1981 c. 317; 1985 a. 29 s. 3202 (23); 1985 a. 269; 1989 a. 23, 31; 1995 a. 27; 1997 a. 283.

6 **3.** Page 156, line 9: after that line insert:

7 **SECTION 267n.** 100.263 of the statutes is amended to read:

8 **100.263 Recovery.** In addition to other remedies available under this chapter,
9 the court may award the department the reasonable and necessary costs of
10 investigation and an amount reasonably necessary to remedy the harmful effects of
11 the violation and the court may award the department of justice the reasonable and
12 necessary expenses of prosecution, including attorney fees, from any person who
13 violates this chapter. The department and the department of justice shall deposit in
14 the state treasury for deposit in the general fund all moneys that the court awards
15 to the department, the department of justice or the state under this section. ~~Ten~~
16 ~~percent of the money deposited in the general fund that was awarded under this~~
17 ~~section for the costs of investigation and the expenses of prosecution, including~~
18 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh)."~~

History: 1995 a. 27; 1997 a. 36.

19 **4.** Page 166, line 6: after that line insert:

20 **SECTION 298n.** 133.16 of the statutes is amended to read:

21 **133.16 Injunction; pleading; practice.** Any circuit court may prevent or
22 restrain, by injunction or otherwise, any violation of this chapter. The department
23 of justice, any district attorney or any person by complaint may institute actions or
24 proceedings to prevent or restrain a violation of this chapter, setting forth the cause

1 and grounds for the intervention of the court and praying that such violation,
2 whether intended or continuing be enjoined or prohibited. When the parties
3 informed against or complained of have been served with a copy of the information
4 or complaint and cited to answer it, the court shall proceed, as soon as may be in
5 accordance with its rules, to the hearing and determination of the case; and pending
6 the filing of the answer to such information or complaint may, at any time, upon
7 proper notice, make such temporary restraining order or prohibition as is just.
8 Whenever it appears to the court that the ends of justice require that other persons
9 be made parties to the action or proceeding the court may cause them to be made
10 parties in such manner as it directs. The party commencing or maintaining the
11 action or proceeding may demand and recover the cost of suit including reasonable
12 attorney fees. In an action commenced by the department of justice, the court may
13 award the department of justice the reasonable and necessary costs of investigation
14 and an amount reasonably necessary to remedy the harmful effects of the violation.
15 The department of justice shall deposit in the state treasury for deposit in the general
16 fund all moneys that the court awards to the department or the state under this
17 section. ~~Ten percent of the money deposited in the general fund that was awarded~~
18 ~~under this section for the costs of investigation and the costs of suit, including~~
19 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

20 Copies of all pleadings filed under this section shall be served on the department
21 of justice.”

History: 1979 c. 209; 1995 a. 27.

22 **5.** Page 182, line 16: after that line insert:

23 “SECTION 369n. 281.98 (2) of the statutes is amended to read:

1 281.98 (2) In addition to the penalties provided under sub. (1) or s. 281.99 (2),
2 the court may award the department of justice the reasonable and necessary
3 expenses of the investigation and prosecution of a violation of this chapter, including
4 attorney fees. The department of justice shall deposit in the state treasury for
5 deposit into the general fund all moneys that the court awards to the department or
6 the state under this subsection. ~~Ten percent of the money deposited in the general
7 fund that was awarded under this subsection for the costs of investigation and the
8 expenses of prosecution, including attorney fees, shall be credited to the
9 appropriation account under s. 20.455 (1) (gh).~~

History: 1995 a. 227; 1997 a. 27; 1999 a. 147; 2001 a. 6.

10 **SECTION 369q.** 283.91 (5) of the statutes is amended to read:

11 283.91 (5) In addition to all other civil and criminal penalties prescribed under
12 this chapter, the court may assess as an additional penalty a portion or all of the costs
13 of the investigation, including monitoring, which led to the establishment of the
14 violation. The court may award the department of justice the reasonable and
15 necessary expenses of the prosecution, including attorney fees. The department of
16 justice shall deposit in the state treasury for deposit into the general fund all moneys
17 that the court awards to the department or the state under this subsection. ~~Ten
18 percent of the money deposited in the general fund that was awarded under this
19 subsection for the costs of investigation and the expenses of prosecution, including
20 attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

History: 1973 c. 74; 1983 a. 189 s. 329.16; 1987 a. 157; 1989 a. 337; 1995 a. 27; 1995 a. 227 s. 876; Stats. 1995 s. 283.91; 1999 a. 150 s. 672.

21 **6.** Page 185, line 17: after that line insert:

22 **SECTION 370n.** 289.96 (3) (b) of the statutes is amended to read:

23 289.96 (3) (b) In addition to the penalties provided under par. (a), the court may
24 award the department of justice the reasonable and necessary expenses of the

1 investigation and prosecution of the violation, including attorney fees. The
2 department of justice shall deposit in the state treasury for deposit into the general
3 fund all moneys that the court awards to the department or the state under this
4 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
5 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~
6 ~~including attorney fees, shall be credited to the appropriation account under s.~~
7 ~~20.455 (1) (gh)."~~

History: 1985 a. 46; 1995 a. 227 s. 641, 991; Stats. 1995 s. 289.96.

8 **7.** Page 186, line 6: after that line insert:

9 "SECTION 372g. 292.99 (2) of the statutes is amended to read:

10 292.99 (2) In addition to the penalties provided under subs. (1) and (1m), the
11 court may award the department of justice the reasonable and necessary expenses
12 of the investigation and prosecution of the violation, including attorney fees. The
13 department of justice shall deposit in the state treasury for deposit into the general
14 fund all moneys that the court awards to the department or the state under this
15 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
16 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~
17 ~~including attorney fees, shall be credited to the appropriation account under s.~~
18 ~~20.455 (1) (gh).~~

History: 1995 a. 227; 1999 a. 9; 2001 a. 16.

19 **SECTION 372n.** 293.87 (4) (b) of the statutes is amended to read:

20 293.87 (4) (b) In addition to the penalties provided under par. (a), the court may
21 award the department of justice the reasonable and necessary expenses of the
22 investigation and prosecution of the violation, including attorney fees. The
23 department of justice shall deposit in the state treasury for deposit into the general
24 fund all moneys that the court awards to the department or the state under this

1 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
2 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~
3 ~~including attorney fees, shall be credited to the appropriation account under s.~~
4 ~~20.455 (1) (gh).~~

History: 1973 c. 318; 1977 c. 421; 1995 a. 227 s. 796, 994; Stats. 1995 c. 293.87.

5 **SECTION 372q.** 295.19 (3) (b) 2. of the statutes is amended to read:

6 295.19 (3) (b) 2. In addition to the penalties provided under subd. 1., the court
7 may award the department of justice the reasonable and necessary expenses of the
8 investigation and prosecution of the violation, including attorney fees. The
9 department of justice shall deposit in the state treasury for deposit into the general
10 fund all moneys that the court awards to the department or the state under this
11 subdivision. ~~Ten percent of the money deposited in the general fund that was~~
12 ~~awarded under this subdivision for the costs of investigation and the expenses of~~
13 ~~prosecution, including attorney fees, shall be credited to the appropriation account~~
14 ~~under s. 20.455 (1) (gh).~~ ✓

History: 1995 a. 227 s. 810, 995; 1997 a. 27.

15 **8.** Page 186, line 13: after that line insert:

stat. -- no change

16 **"SECTION 372n.** 299.97 (2) of the statutes is amended to read:

17 299.97 (2) In addition to the penalties provided under sub. (1), the court may
18 award the department of justice the reasonable and necessary expenses of the
19 investigation and prosecution of the violation, including attorney fees. The
20 department of justice shall deposit in the state treasury for deposit into the general
21 fund all moneys that the court awards to the department or the state under this
22 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
23 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~

1 ~~including attorney fees, shall be credited to the appropriation account under s.~~
2 ~~20.455 (1) (gh).~~”

History: 1979 c. 34 s. 987m; 1979 c. 221; Stats. 1979 s. 144.99; 1989 a. 336; 1991 a. 262, 300, 315; 1995 a. 27; 1995 a. 227 s. 830; Stats. 1995 s. 299.97; 1995 a. 290 s. 14; 1997 a. 35; 1999 a. 9.

3 **9.** Page 436, line 8: after that line insert:

4 “(1n) INVESTIGATION AND PROSECUTION AWARDS. The treatment of sections 20.455
5 (1) (gh), 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b), 292.99 (2),
6 293.87 (4) (b), 295.19 (3) (b) 2., and 299.97 (2) of the statutes first applies to court
7 awards made on the effective date of this subsection.”

8 (END)

*Elly
Dott*



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2372/1
RPN:cmh:kjf

2
+ jld

LFB:.....Onsager - Delete department of justice investigation and prosecution appropriation

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 17, line 5: after that line insert:

3 "SECTION 41m. 20.455 (1) (gh) of the statutes is repealed."

4 2. Page 41, line 13: after that line insert:

5 "SECTION 128g. 49.49 (6) of the statutes is amended to read:

6 49.49 (6) RECOVERY. In addition to other remedies available under this section,
7 the court may award the department of justice the reasonable and necessary costs
8 of investigation, an amount reasonably necessary to remedy the harmful effects of
9 the violation and the reasonable and necessary expenses of prosecution, including
10 attorney fees, from any person who violates this section. The department of justice

1 shall deposit in the state treasury for deposit in the general fund all moneys that the
2 court awards to the department or the state under this subsection. ~~Ten percent of~~
3 ~~the money deposited in the general fund that was awarded under this subsection for~~
4 ~~the costs of investigation and the expenses of prosecution, including attorney fees,~~
5 shall be credited to the appropriation account under s. 20.455 (1) (gh).”.

6 **3.** Page 156, line 9: after that line insert:

7 “**SECTION 267n.** 100.263 of the statutes is amended to read:

8 **100.263 Recovery.** In addition to other remedies available under this chapter,
9 the court may award the department the reasonable and necessary costs of
10 investigation and an amount reasonably necessary to remedy the harmful effects of
11 the violation and the court may award the department of justice the reasonable and
12 necessary expenses of prosecution, including attorney fees, from any person who
13 violates this chapter. The department and the department of justice shall deposit in
14 the state treasury for deposit in the general fund all moneys that the court awards
15 to the department, the department of justice or the state under this section. ~~Ten~~
16 ~~percent of the money deposited in the general fund that was awarded under this~~
17 ~~section for the costs of investigation and the expenses of prosecution, including~~
18 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).”.~~

19 **4.** Page 166, line 6: after that line insert:

20 “**SECTION 298n.** 133.16 of the statutes is amended to read:

21 **133.16 Injunction; pleading; practice.** Any circuit court may prevent or
22 restrain, by injunction or otherwise, any violation of this chapter. The department
23 of justice, any district attorney or any person by complaint may institute actions or
24 proceedings to prevent or restrain a violation of this chapter, setting forth the cause

1 and grounds for the intervention of the court and praying that such violation,
2 whether intended or continuing be enjoined or prohibited. When the parties
3 informed against or complained of have been served with a copy of the information
4 or complaint and cited to answer it, the court shall proceed, as soon as may be in
5 accordance with its rules, to the hearing and determination of the case; and pending
6 the filing of the answer to such information or complaint may, at any time, upon
7 proper notice, make such temporary restraining order or prohibition as is just.
8 Whenever it appears to the court that the ends of justice require that other persons
9 be made parties to the action or proceeding the court may cause them to be made
10 parties in such manner as it directs. The party commencing or maintaining the
11 action or proceeding may demand and recover the cost of suit including reasonable
12 attorney fees. In an action commenced by the department of justice, the court may
13 award the department of justice the reasonable and necessary costs of investigation
14 and an amount reasonably necessary to remedy the harmful effects of the violation.
15 The department of justice shall deposit in the state treasury for deposit in the general
16 fund all moneys that the court awards to the department or the state under this
17 section. ~~Ten percent of the money deposited in the general fund that was awarded~~
18 ~~under this section for the costs of investigation and the costs of suit, including~~
19 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~
20 Copies of all pleadings filed under this section shall be served on the department of
21 justice.”

22 **5.** Page 182, line 16: after that line insert:

23 “SECTION 369n. 281.98 (2) of the statutes is amended to read:

1 281.98 (2) In addition to the penalties provided under sub. (1) or s. 281.99 (2),
2 the court may award the department of justice the reasonable and necessary
3 expenses of the investigation and prosecution of a violation of this chapter, including
4 attorney fees. The department of justice shall deposit in the state treasury for
5 deposit into the general fund all moneys that the court awards to the department or
6 the state under this subsection. ~~Ten percent of the money deposited in the general
7 fund that was awarded under this subsection for the costs of investigation and the
8 expenses of prosecution, including attorney fees, shall be credited to the
9 appropriation account under s. 20.455 (1) (gh).~~

10 **SECTION 369q.** 283.91 (5) of the statutes is amended to read:

11 283.91 (5) In addition to all other civil and criminal penalties prescribed under
12 this chapter, the court may assess as an additional penalty a portion or all of the costs
13 of the investigation, including monitoring, which led to the establishment of the
14 violation. The court may award the department of justice the reasonable and
15 necessary expenses of the prosecution, including attorney fees. The department of
16 justice shall deposit in the state treasury for deposit into the general fund all moneys
17 that the court awards to the department or the state under this subsection. ~~Ten
18 percent of the money deposited in the general fund that was awarded under this
19 subsection for the costs of investigation and the expenses of prosecution, including
20 attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).".~~

21 **6.** Page 185, line 17: after that line insert:

22 **"SECTION 370n.** 289.96 (3) (b) of the statutes is amended to read:

23 289.96 (3) (b) In addition to the penalties provided under par. (a), the court may
24 award the department of justice the reasonable and necessary expenses of the

1 investigation and prosecution of the violation, including attorney fees. The
2 department of justice shall deposit in the state treasury for deposit into the general
3 fund all moneys that the court awards to the department or the state under this
4 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
5 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~
6 ~~including attorney fees, shall be credited to the appropriation account under s.~~
7 ~~20.455 (1) (gh)."~~

8 **7.** Page 186, line 6: after that line insert:

9 **"SECTION 372g.** 292.99 (2) of the statutes is amended to read:

10 292.99 (2) In addition to the penalties provided under subs. (1) and (1m), the
11 court may award the department of justice the reasonable and necessary expenses
12 of the investigation and prosecution of the violation, including attorney fees. The
13 department of justice shall deposit in the state treasury for deposit into the general
14 fund all moneys that the court awards to the department or the state under this
15 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
16 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~
17 ~~including attorney fees, shall be credited to the appropriation account under s.~~
18 ~~20.455 (1) (gh).~~

19 **SECTION 372n.** 293.87 (4) (b) of the statutes is amended to read:

20 293.87 (4) (b) In addition to the penalties provided under par. (a), the court may
21 award the department of justice the reasonable and necessary expenses of the
22 investigation and prosecution of the violation, including attorney fees. The
23 department of justice shall deposit in the state treasury for deposit into the general
24 fund all moneys that the court awards to the department or the state under this

1 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
2 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~
3 ~~including attorney fees, shall be credited to the appropriation account under s.~~
4 ~~20.455 (1) (gh).~~

5 **SECTION 372q.** 295.19 (3) (b) 2. of the statutes is amended to read:

6 295.19 (3) (b) 2. In addition to the penalties provided under subd. 1., the court
7 may award the department of justice the reasonable and necessary expenses of the
8 investigation and prosecution of the violation, including attorney fees. The
9 department of justice shall deposit in the state treasury for deposit into the general
10 fund all moneys that the court awards to the department or the state under this
11 subdivision. ~~Ten percent of the money deposited in the general fund that was~~
12 ~~awarded under this subdivision for the costs of investigation and the expenses of~~
13 ~~prosecution, including attorney fees, shall be credited to the appropriation account~~
14 ~~under s. 20.455 (1) (gh).”.~~

15 **8.** Page 186, line 13: after that line insert:

16 **“SECTION 373n.** 299.97 (2) of the statutes is amended to read:

17 299.97 (2) In addition to the penalties provided under sub. (1), the court may
18 award the department of justice the reasonable and necessary expenses of the
19 investigation and prosecution of the violation, including attorney fees. The
20 department of justice shall deposit in the state treasury for deposit into the general
21 fund all moneys that the court awards to the department or the state under this
22 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
23 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~

1 including attorney fees, shall be credited to the appropriation account under s.
2 20.455 (1) (gh). g

3 **9.** Page 436, line 8: after that line insert:

4 “(1n) INVESTIGATION AND PROSECUTION AWARDS. The treatment of sections 20.455
5 (1) (gh), 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b), 292.99 (2),
6 293.87 (4) (b), 295.19 (3) (b) 2., and 299.97 (2) of the statutes first applies to court
7 awards made on the effective date of this subsection.”

8 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2372/2
RPN:cmh&jld:kjf

LFB:.....Onsager - Delete department of justice investigation and prosecution appropriation

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 17, line 5: after that line insert:

3 “SECTION 41m. 20.455 (1) (gh) of the statutes is repealed.”.

4 **2.** Page 41, line 13: after that line insert:

5 “SECTION 128g. 49.49 (6) of the statutes is amended to read:

6 49.49 (6) RECOVERY. In addition to other remedies available under this section,
7 the court may award the department of justice the reasonable and necessary costs
8 of investigation, an amount reasonably necessary to remedy the harmful effects of
9 the violation and the reasonable and necessary expenses of prosecution, including
10 attorney fees, from any person who violates this section. The department of justice

1 shall deposit in the state treasury for deposit in the general fund all moneys that the
2 court awards to the department or the state under this subsection. ~~Ten percent of~~
3 ~~the money deposited in the general fund that was awarded under this subsection for~~
4 ~~the costs of investigation and the expenses of prosecution, including attorney fees,~~
5 ~~shall be credited to the appropriation account under s. 20.455 (1) (gh).”.~~

6 **3.** Page 156, line 9: after that line insert:

7 **“SECTION 267n.** 100.263 of the statutes is amended to read:

8 **100.263 Recovery.** In addition to other remedies available under this chapter,
9 the court may award the department the reasonable and necessary costs of
10 investigation and an amount reasonably necessary to remedy the harmful effects of
11 the violation and the court may award the department of justice the reasonable and
12 necessary expenses of prosecution, including attorney fees, from any person who
13 violates this chapter. The department and the department of justice shall deposit in
14 the state treasury for deposit in the general fund all moneys that the court awards
15 to the department, the department of justice or the state under this section. ~~Ten~~
16 ~~percent of the money deposited in the general fund that was awarded under this~~
17 ~~section for the costs of investigation and the expenses of prosecution, including~~
18 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).”.~~

19 **4.** Page 166, line 6: after that line insert:

20 **“SECTION 298n.** 133.16 of the statutes is amended to read:

21 **133.16 Injunction; pleading; practice.** Any circuit court may prevent or
22 restrain, by injunction or otherwise, any violation of this chapter. The department
23 of justice, any district attorney or any person by complaint may institute actions or
24 proceedings to prevent or restrain a violation of this chapter, setting forth the cause

1 and grounds for the intervention of the court and praying that such violation,
2 whether intended or continuing be enjoined or prohibited. When the parties
3 informed against or complained of have been served with a copy of the information
4 or complaint and cited to answer it, the court shall proceed, as soon as may be in
5 accordance with its rules, to the hearing and determination of the case; and pending
6 the filing of the answer to such information or complaint may, at any time, upon
7 proper notice, make such temporary restraining order or prohibition as is just.
8 Whenever it appears to the court that the ends of justice require that other persons
9 be made parties to the action or proceeding the court may cause them to be made
10 parties in such manner as it directs. The party commencing or maintaining the
11 action or proceeding may demand and recover the cost of suit including reasonable
12 attorney fees. In an action commenced by the department of justice, the court may
13 award the department of justice the reasonable and necessary costs of investigation
14 and an amount reasonably necessary to remedy the harmful effects of the violation.
15 The department of justice shall deposit in the state treasury for deposit in the general
16 fund all moneys that the court awards to the department or the state under this
17 section. ~~Ten percent of the money deposited in the general fund that was awarded~~
18 ~~under this section for the costs of investigation and the costs of suit, including~~
19 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~
20 Copies of all pleadings filed under this section shall be served on the department of
21 justice.”.

22 **5.** Page 182, line 16: after that line insert:

23 **“SECTION 369n.** 281.98 (2) of the statutes is amended to read:

1 281.98 (2) In addition to the penalties provided under sub. (1) or s. 281.99 (2),
2 the court may award the department of justice the reasonable and necessary
3 expenses of the investigation and prosecution of a violation of this chapter, including
4 attorney fees. The department of justice shall deposit in the state treasury for
5 deposit into the general fund all moneys that the court awards to the department or
6 the state under this subsection. ~~Ten percent of the money deposited in the general
7 fund that was awarded under this subsection for the costs of investigation and the
8 expenses of prosecution, including attorney fees, shall be credited to the
9 appropriation account under s. 20.455 (1) (gh).~~

10 **SECTION 369q.** 283.91 (5) of the statutes is amended to read:

11 283.91 (5) In addition to all other civil and criminal penalties prescribed under
12 this chapter, the court may assess as an additional penalty a portion or all of the costs
13 of the investigation, including monitoring, which led to the establishment of the
14 violation. The court may award the department of justice the reasonable and
15 necessary expenses of the prosecution, including attorney fees. The department of
16 justice shall deposit in the state treasury for deposit into the general fund all moneys
17 that the court awards to the department or the state under this subsection. ~~Ten
18 percent of the money deposited in the general fund that was awarded under this
19 subsection for the costs of investigation and the expenses of prosecution, including
20 attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).".~~

21 **6.** Page 185, line 17: after that line insert:

22 **"SECTION 370n.** 289.96 (3) (b) of the statutes is amended to read:

23 289.96 (3) (b) In addition to the penalties provided under par. (a), the court may
24 award the department of justice the reasonable and necessary expenses of the

1 investigation and prosecution of the violation, including attorney fees. The
2 department of justice shall deposit in the state treasury for deposit into the general
3 fund all moneys that the court awards to the department or the state under this
4 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
5 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~
6 ~~including attorney fees, shall be credited to the appropriation account under s.~~
7 ~~20.455 (1) (gh).”.~~

8 **7.** Page 186, line 6: after that line insert:

9 **“SECTION 372g.** 292.99 (2) of the statutes is amended to read:

10 292.99 (2) In addition to the penalties provided under subs. (1) and (1m), the
11 court may award the department of justice the reasonable and necessary expenses
12 of the investigation and prosecution of the violation, including attorney fees. The
13 department of justice shall deposit in the state treasury for deposit into the general
14 fund all moneys that the court awards to the department or the state under this
15 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
16 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~
17 ~~including attorney fees, shall be credited to the appropriation account under s.~~
18 ~~20.455 (1) (gh).~~

19 **SECTION 372n.** 293.87 (4) (b) of the statutes is amended to read:

20 293.87 (4) (b) In addition to the penalties provided under par. (a), the court may
21 award the department of justice the reasonable and necessary expenses of the
22 investigation and prosecution of the violation, including attorney fees. The
23 department of justice shall deposit in the state treasury for deposit into the general
24 fund all moneys that the court awards to the department or the state under this

1 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
2 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~
3 ~~including attorney fees, shall be credited to the appropriation account under s.~~
4 ~~20.455 (1) (gh).~~

5 **SECTION 372q.** 295.19 (3) (b) 2. of the statutes is amended to read:

6 295.19 (3) (b) 2. In addition to the penalties provided under subd. 1., the court
7 may award the department of justice the reasonable and necessary expenses of the
8 investigation and prosecution of the violation, including attorney fees. The
9 department of justice shall deposit in the state treasury for deposit into the general
10 fund all moneys that the court awards to the department or the state under this
11 subdivision. ~~Ten percent of the money deposited in the general fund that was~~
12 ~~awarded under this subdivision for the costs of investigation and the expenses of~~
13 ~~prosecution, including attorney fees, shall be credited to the appropriation account~~
14 ~~under s. 20.455 (1) (gh).".~~

15 **8.** Page 186, line 13: after that line insert:

16 **"SECTION 373n.** 299.97 (2) of the statutes is amended to read:

17 299.97 (2) In addition to the penalties provided under sub. (1), the court may
18 award the department of justice the reasonable and necessary expenses of the
19 investigation and prosecution of the violation, including attorney fees. The
20 department of justice shall deposit in the state treasury for deposit into the general
21 fund all moneys that the court awards to the department or the state under this
22 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
23 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~

1 ~~including attorney fees, shall be credited to the appropriation account under s.~~
2 ~~20.455 (1) (gh)."~~

3 (END)