

2003 SENATE BILL 17

January 29, 2003 – Introduced by Senators KANAVAS, WELCH, ROESSLER, LAZICH, KEDZIE, S. FITZGERALD, DARLING, COWLES and PANZER, cosponsored by Representatives MCCORMICK, JESKEWITZ, HAHN, SERATTI and OTT. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

1 **AN ACT** *to amend* 25.60; and *to create* 13.59 of the statutes; **relating to:**
2 creating a Joint Committee on Court Judgments and Settlements made on
3 behalf of the state.

Analysis by the Legislative Reference Bureau

This bill establishes a seven-member Joint Committee on Court Judgments and Settlements, composed of one individual nominated by the attorney general, one by the governor, and one by the Supreme Court and confirmed by the Senate; and one legislator each appointed by the majority and the minority leaders of each house of the Legislature. Under the bill, the attorney general is required to notify the public when the Department of Justice wins a money judgment or settlement of \$100,000 or more in a court action, brought on behalf of the citizens of the state, that includes court-ordered parameters for the use of the money. The notice shall include the court-ordered parameters and asks persons to apply to the newly created committee for a grant from the awarded money. If the court did not establish parameters for the use of the awarded money, the bill requires the money to be deposited in the Budget Stabilization Fund.

Under the bill, a person who wishes to receive a grant from the Joint Committee on Court Judgments and Settlements must apply to the Department of Justice for a grant within 60 days after the attorney general issues the notice of an award. The bill requires Department of Justice staff to process the applications for a grant and to provide the committee with the staff necessary to review and make a determination as to the merits of a request for a grant. The committee is required

SENATE BILL 17

by the bill to meet within 30 days after the application deadline to determine the amounts and recipients of grants. Under the bill, the committee's meeting time and place must be publicized, and the meeting is open to the public, but no public testimony is permitted.

The committee's determinations are subject to passive 14-day review by the Joint Committee on Finance under the bill. However, the bill limits the Joint Committee on Finance review to approving or disapproving a specific grant, based on the parameters established by the court for the use of the money. If the Joint Committee on Finance disapproves a grant, the bill requires that committee to notify the Joint Committee on Court Judgments and Settlements of that decision within 30 days after making the decision. The bill allows the Joint Committee on Court Judgments and Settlements to revise the disapproved grant and resubmit it to the Joint Committee on Finance within 30 days after receiving notice of the Joint Committee on Finance disapproval.

For further information see the *state* 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:

1 **SECTION 1.** 13.59 of the statutes is created to read:

2 **13.59 Joint committee on court judgments and settlements. (1)**

3 CREATION. There is created a joint committee on court judgments and settlements,
4 to review court cases in which the attorney general has obtained a financial
5 settlement or judgment on behalf of the citizens of this state and to determine how
6 the funds received from those cases will be used. The committee shall consist of the
7 following members:

8 (a) One majority party senator and one minority party senator, neither of whom
9 is a member of the joint committee on finance, selected as are the members of
10 standing committees of the senate.

11 (b) One majority party member of the assembly and one minority party member
12 of the assembly, neither of whom is a member of the joint committee on finance,
13 selected as are the members of standing committees of the assembly.

SENATE BILL 17

1 (c) Subject to sub. (1m), one individual who is not a member of the legislature,
2 nominated by the attorney general.

3 (d) Subject to sub. (1m), one individual who is not a member of the legislature,
4 nominated by the governor.

5 (e) Subject to sub. (1m), one individual who is not a member of the legislature,
6 nominated by the supreme court.

7 **(1m) SENATE CONFIRMATION.** The individuals nominated under sub. (1) (c) to (e)
8 shall be appointed with the advice and consent of the senate.

9 **(2) TERM OF OFFICE.** (a) Each appointment under sub. (1) (c) to (e) shall be for
10 a 4-year term and until a successor is appointed and qualified.

11 (b) Each individual appointed under sub. (1) (c) to (e) may not serve more than
12 2 full terms.

13 (c) If an individual who is appointed under sub. (1) (c) to (e) fails to complete
14 his or her term, the attorney general, governor, or supreme court, as appropriate,
15 may nominate another individual for the remainder of the term. Those individuals
16 shall be appointed with the advice and consent of the senate. If an individual
17 appointed under this paragraph serves more than 50% of a 4-year term, that
18 individual may only serve one additional 4-year term.

19 **(3) OFFICERS.** The appointed majority party member of the senate and the
20 appointed majority party member of the assembly shall serve as cochairs of the
21 committee.

22 **(4) POWERS AND DUTIES.** (a) When the department of justice brings an action
23 on behalf of the citizens of this state and wins a money judgment or settlement in that
24 action of \$100,000 or more and the court has established parameters as to how the
25 money should be spent, the attorney general shall issue a public statement

SENATE BILL 17

1 requesting persons to apply to the committee for a grant from the money judgment
2 or settlement. The attorney general shall include in that statement a list of the
3 parameters established by the court for the use of the money. The statement shall
4 include an application form that must be used to apply for a grant. The attorney
5 general shall include that statement on the department of justice Web site and shall
6 publish the statement as a class 1 notice, under ch. 985, in the official state
7 newspaper designated under s. 985.04

8 (b) If the court has not established parameters as to how a money judgment or
9 settlement under par. (a) shall be spent, the money that the state receives shall be
10 deposited in the Budget Stabilization Fund.

11 (c) A person shall apply to the department of justice for a grant from the
12 committee within 60 days after the notice under par. (a) is published. The
13 department of justice shall process any applications and provide the committee with
14 the staff necessary to review and make a determination as to the merits of an
15 application.

16 (d) Within 30 days after the deadline for submitting an application, the
17 committee shall meet in open session to consider the applications. The department
18 of justice shall post the time and place of the committee meeting on the department's
19 Web site as soon as the meeting is scheduled. The legislature shall post the time and
20 place of the committee meeting on the legislature's Web site no less than 24 hours
21 before the starting time of the meeting. Failure to meet the time limits under this
22 paragraph shall invalidate any action taken at that meeting.

23 (e) No public testimony may be presented at the committee meeting. The
24 committee shall review the applications during the meeting and determine who is
25 to receive an award and how much to award.

SENATE BILL 17

1 **(5) JOINT COMMITTEE ON FINANCE REVIEW.** (a) The joint committee on court
2 judgments and settlements shall submit its determination of award winners to the
3 joint committee on finance for review. If the cochairpersons of the joint committee
4 on finance do not notify the joint committee on court judgments and settlements that
5 the joint committee on finance has scheduled a meeting for the purpose of reviewing
6 the recommended awards within 14 working days after the date of the submittal by
7 the joint committee on court judgments and settlements, the department of justice
8 shall make the awards as determined by the joint committee on court judgments and
9 settlements. If, within 14 working days after the date of the submittal by the joint
10 committee on court judgments and settlements, the cochairpersons of the joint
11 committee on finance notify the joint committee on court judgments and settlements
12 that the joint committee on finance has scheduled a meeting for the purpose of
13 reviewing the recommended awards, the department of justice may make the awards
14 only with the approval of the joint committee on finance.

15 (b) If the joint committee on finance schedules a meeting to review an award,
16 that committee may only vote for or against an award. The joint committee on
17 finance may not amend the amount of an award. If the joint committee on finance
18 disapproves an award, that committee shall return the proposal to the joint
19 committee on court judgments and settlements within 30 days after disapproving
20 the award, with an explanation of why the award was disapproved. The joint
21 committee on court judgments and settlements may revise the award and submit the
22 revised award to the joint committee on finance for its approval within 30 days after
23 receipt of the disapproval.

24 (c) When making a decision regarding an award, the joint committee on finance
25 may only look at whether the purpose for which award is made is in accordance with

SENATE BILL 17

1 the parameters established by the court. The joint committee on finance may not
2 look at the process by which the court reached its determination as to the judgment
3 or settlement.

4 (d) If the joint committee on finance has a tie vote regarding an award, that
5 award is approved and the department of justice shall make the award.

6 **SECTION 2.** 25.60 of the statutes is amended to read:

7 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
8 trust fund designated as the budget stabilization fund, consisting of moneys
9 transferred to the fund from the general fund under s. 16.518 (3) and any other
10 moneys that are required by law to be deposited in the fund.

11 (END)