

2003 DRAFTING REQUEST

Bill

Received: **09/16/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Ted Kanavas (608) 266-9174**

By/Representing:

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Justice - civil**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kanavas@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Distribution of state monies from court settlement

Instructions:

See Attached

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>
/?							State
/P1	rnelson2 09/24/2002	kgilfoy 10/01/2002	pgreensl 10/02/2002		mbarman 10/03/2002		State
/P2	rnelson2 10/03/2002	kgilfoy 10/04/2002	jfrantze 10/07/2002		sbasford 10/07/2002		State

<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	rnelson2 10/08/2002	kgilfoy 10/08/2002	jfrantze 10/09/2002	_____	sbasford 10/09/2002		

FE Sent For:

↪ 10-15-02
(1/1")
Per RPN

<END>

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1-10/8
KMG
10/8
10/9

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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Addl. Drafters:

Subject: **Justice - civil**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kanavas@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic: *10/3 change bd to 7 members; 4 Leg, 1 from Gov, 1 from AG, 1 from Sup Ct.*
Distribution of state monies from court settlement

Instructions: *Will also nothing p 3, LB 3-5 2 get back to me. If no parameters, add to "rainy day fund".*

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>
/?							State
/P1	rnelson2 09/24/2002	kgilfoy 10/01/2002	pgreensl 10/02/2002		mbarman 10/03/2002		

FE Sent For: *P2-10/4 King to 10/4* *10/17*

2003 DRAFTING REQUEST

Bill

Received: 09/16/2002

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Ted Kanavas (608) 266-9174

By/Representing:

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Justice - civil

Extra Copies: JTK

Submit via email: YES

Requester's email: Sen.Kanavas@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Distribution of state monies from court settlement

Instructions:

See Attached

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>
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FE Sent For:

AP1-10/11
 Kmp
 10/8
 DG
 10/8
 P8/9/10
 <END>

Kennedy, Debora

From: Dykman, Peter
Sent: Monday, August 19, 2002 5:38 PM
To: Grant, Peter; Kuesel, Jeffery; Kennedy, Debora; Tradewell, Becky
Subject: FW: Proposed Legislation From the Office of State Senator Ted Kanavas

Whose is this to draft?

-----Original Message-----

From: Richards, Mike
Sent: Monday, August 19, 2002 3:48 PM
To: Dykman, Peter
Subject: Proposed Legislation From the Office of State Senator Ted Kanavas

Mr. Dykman,

Currently our office is working on possible policy items for the next legislative session. And, this email is one of those policy items that we would like to see drafted.

I am sure that you are familiar with the Vitamin Settlement and the alleged problems in distributing of the monies won by the Attorney General. In fact it made front page headlines in the Milwaukee Journal Sentinel. Senator Kanavas has asked me to research policy that would create an board to oversee the distribution of the money and create more legislative oversight to create a more fair, concise, and transparent process when handing out the public's money. Here is the proposal that we have come up with. I have been in contact with Paul Onsager at the Fiscal Bureau and Dick Sweet at Legislative Council, and both have found that this proposal is fine. Senator Kanavas has asked me to send this to you for drafting. I ask that you contact me if you have any questions pertaining to this. I think that you will find this self-explanatory and in fairly good detail. If not, let me know. I look forward to hearing back from you.



AG--Final

Recommendations.doc

Regards,

MICHAEL D. RICHARDS
Constituent Relations/Policy Advisor
Office of State Senator Ted Kanavas
33rd Senate District
(608) 266-9174
Mike.Richards@legis.state.wi.us <<mailto:Mike.Richards@legis.state.wi.us>>

- This bill will develop a Board for the purpose of distributing money won by the Attorney General on behalf of the state of Wisconsin.
- The purpose of having a Board is to create legislative oversight and take the apparent corruption out of grant distributing process that has plagued the state in the past.
- The Board will consist of eight members.
- There will be two citizen appointees that are made by the Attorney General.
- There will be two citizen appointees that are made by the Governor.
- The Senate Majority and Minority leaders will be able to appoint one member each from their membership. Note, these members may not be sitting members on the Joint Committee on Finance.
- The Assembly Majority and Minority leaders will be able to appoint one member each from their membership. Note, these members may not be sitting members on the Joint Committee on Finance.
- The citizen members on the Committee will serve four-year terms that are staggered every two years.
- At the inception of the this board, one of the Governor's appointees will serve a two year term and the other will serve a four year term. The same applies to the Attorney General's appointees.
- The citizen appointees will only be able to serve two full four-year terms. Note, those members that are only appointed to a two year term at the inception of this Board will be able to serve two full four-year terms after their initial two-year term.
- If there is a vacancy of a citizen member to the Board during the middle of the term, the Governor or the Attorney General would have to appoint another citizen to sit in on the Board to only fill the remainder of the term. If the appointee has to serve more than half of the term, then they will only be eligible to one four year term thereafter. Conversely, if the appointee serves less than half of the term, then they will be eligible to serve two full four-year terms thereafter.
- The citizen appointees to the Board will have to get Senate approval.
- The Legislative members of the Board will serve at the pleasure of their leadership.
- The Governor or the Attorney General may not use their influence with their respective appointees to have them vote in any specific manner.
- When the Attorney General wins a case on behalf of the citizens of Wisconsin, and the court has laid out the parameters pertaining to how the settlement money should be spent, the Attorney General must make a public statement requesting applications for funds from the Board. He must also list the stipulations of the settlement on his website, that is clearly marked. **This must be posted in the official record, such as any newspaper that carries the official state news.**
- The Board will only convene if the settlement is in excess of \$100,000; otherwise current law is intact.

- There must be a deadline for grant applications of 60 days.
- The staffing for the intake and processing of these grant applications will be paid for out the existing Attorney General's office account and staff. No new positions will be created for this program.
- Once the deadline for the grants has been met, the Board will sit down no more than 30 days later to discuss the grant proposals.
- The chairs of the Board will be the majority party representatives in each house, and parliamentary procedure for committees will be used.
- The meeting times and locations will be posted on the Attorney General's website, as well as the state Legislature's website, no less than 24 hours before the meeting. These meetings must be in-line with section 19.85 of the open meetings law.
- During these meetings, there will be no further input in terms of testimony by individuals or groups lobbying on behalf of their grants. The individuals can merely watch the interaction between the members.
- The Board will make their initial "cuts" and there will be a final round of voting on which groups will receive money and how much money that each group will receive.
- Once the Board has made their final decisions on the grant proposals, their proposal will be sent to the Joint Committee on Finance for a 14-day passive review session.
- The Joint Committee on Finance may schedule a hearing to debate the proposals.
- The Joint Finance Committee may only vote yes or no, there are no amendments allowed or rewriting of the amount of money.
- The Joint Finance Committee may only look at whether the PURPOSE for which the money is adequate according to the settlement, not the PROCESS in which the court had stipulated.
- If choose not to hold a meeting, the Board's ruling will stand and the money will in turn be distributed.
- If the Joint Committee on Finance is deadlocked at an 8-8 vote, then the ruling of the Board is upheld and the money will be distributed accordingly.
- If the Joint Committee on Finance votes against the proposal set forth by the Board, they will send the proposal back to the Board for changes.
- The chairs of the Joint Committee on Finance must write a brief expressing why the proposal was not agreed upon within thirty days of their vote. The Board will then have 30 days upon receipt of the brief to make changes and send the proposal back to the Joint Committee on Finance.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0046/P1

RPN: [initials]

King

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT, ^{Gen. Cat.} relating to: creating a joint committee to distribute court settlements
2 made on behalf of the state.

on review and judgments and

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

FE-S

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

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

4 13.59 Joint committee for review and payment of court judgments and

5 settlements. (1) CREATION. There is created a joint court judgments committee

6 ~~to review~~ ^{and payment of} court judgments and settlements, to review

7 or judgment on behalf of the citizens of ^{this} the state and to determine how the funds

8 received from those cases will be used. The membership of the committee shall be

9 as follows: consist of the following members

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

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

7 (c) Two individuals nominated by the attorney general, who are not members
 8 of the legislature. Those individuals shall be appointed with the advice and consent
 9 of the senate.

10 (d) Two individuals nominated by the governor, who are not members of the
 11 legislature. Those individuals shall be appointed with the advice and consent of the
 12 senate.

13 (2) TERM OF OFFICE. (a) Each appointment under sub. (1) (c) or (d) shall be for
 14 a ~~period of~~ 4-year term and until a successor is appointed, and qualified

15 (b) Each individual appointed under sub. (1) (c) or (d) may not serve more than
 16 2 full ~~4-year~~ terms.

17 (c) If an individual who is appointed under sub. (1) (c) or (d) fails to complete
 18 his or her 4-year term, the attorney general or governor may nominate another
 19 individual for the remainder of the term. Those individuals shall be appointed with
 20 the advice and consent of the senate. If an individual appointed under this
 21 paragraph serves more than half of a 4-year term, that individual may only serve
 22 one additional 4-year term. 50%

23 (3) OFFICERS. The appointed majority party member of the senate and the
 24 appointed majority party member of the assembly shall serve as co-chairs of the
 25 committee.

1 (4) POWERS AND DUTIES. (a) When the department of justice brings an action
2 on behalf of the citizens of this state and wins a money judgment or settlement in that
3 action of \$100,000 or more and the court has established parameters as to how the
4 money should be spent, the attorney general shall issue a public statement
5 requesting persons to apply to the committee for a grant from the money judgment
6 or settlement. The attorney general shall include in that statement a list of the
7 parameters established by the court for the use of the money. The statement shall
8 include an application form that must be used to apply for a grant. The attorney
9 general shall include that statement on the department of justice web site and shall
10 publish the statement as a class 1 ~~legal~~ notice in the official state newspaper
11 designated under s. 985.04. *under ch. 985,*

****NOTE: Does this paragraph mean that if the court has not established any
parameters for the use of the money, the attorney general does not have to use the
committee process to spend the money? *e*

12 (b) A person shall apply to the department of justice for a grant from the
13 committee within 60 days after the ~~class 1~~ notice ^{was} published. The department
14 of justice shall process any applications and provide the committee *with the staff*
15 necessary to review and make a determination as to the merits of an application. *under par. (a)*

16 (c) 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~~
20 and 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.

for review and payment on court judgments and settlements

1 (d) No public testimony may be presented at the committee meeting. The
2 committee shall review the applications during the meeting and determine who is
3 to receive an award and how much to award.

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

by the joint committee

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

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

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. Nonstatutory provisions.**

7 (1) Notwithstanding the length of terms specified for the members of the ~~court~~
8 ~~judgment committee~~ nominated by the attorney general and governor under section
9 13.59 (1) (c) and (d) of the statues, as created by this act, the initial term for one of
10 the initial members nominated by the attorney general and for one of the initial
11 members nominated by the governor shall be for ~~two~~ years. Those ~~two~~ members may
12 serve ~~two~~ 4-year terms in addition to their initial 2-year term.

13 (END)

2

2

2

on joint committee for ~~the~~
~~and proposed by~~ court
judgments and settlements

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0046/P1dn

RPNj.....

King

7-member
Having an 8-member board means that the committee may have tie votes. Is that OK or do you want to change the number to a ~~8~~ or 9-member board?

Please review this draft carefully to ensure that it is consistent with your intent.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0046/P1dn
RPN:kmg:pg

October 2, 2002

Having an 8-member board means that the committee may have tie votes. Is that OK or do you want to change the number to a 7-member or 9-member board?

Please review this draft carefully to ensure that it is consistent with your intent.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 13.59 of the statutes; **relating to:** creating a joint committee
2 on court judgments and settlements made on behalf of the state.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
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:*

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

4 **13.59 Joint committee on court judgments and settlements. (1)**

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

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

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

7 (c) ~~Two~~ ^{one} individuals ^{who is not a member of the legislature,} nominated by the attorney general, ~~who are not members~~
8 of the legislature. ~~Those individuals shall be appointed with the advice and consent~~
9 of the senate.

10 (d) ~~Two~~ ^{one} individuals ^{who is not a member of the legislature,} nominated by the governor, ~~who are not members of the~~
11 legislature. ~~Those individuals shall be appointed with the advice and consent of the~~ ^{by the}
12 senate. ~~The~~ ^{supreme court} ~~nominate~~ ^{nominate} ~~d~~ ^d ~~under~~ ^{under} ~~para~~ ^{para} ~~(c)~~ ^(c) ~~to~~ ^{to} ~~(e)~~ ^(e)

13 (2) TERM OF OFFICE. (a) Each appointment under sub. (1) (c) ~~or (d)~~ ^{to (e)} shall be for
14 a 4-year term and until a successor is appointed and qualified.

15 (b) Each individual appointed under sub. (1) (c) ~~or (d)~~ ^{to (e)} may not serve more than
16 2 full terms.

17 (c) If an individual who is appointed under sub. (1) (c) ~~or (d)~~ ^{to (e)} fails to complete
18 his or her term, the attorney general, ^{or supreme court, as appropriate,} ~~or governor~~ may nominate another individual
19 for the remainder of the term. Those individuals shall be appointed with the advice
20 and consent of the senate. If an individual appointed under this paragraph serves
21 more than 50% of a 4-year term, that individual may only serve one additional
22 4-year term.

23 (3) OFFICERS. The appointed majority party member of the senate and the
24 appointed majority party member of the assembly shall serve as cochairs of the
25 committee.

Subject to sub. (1m)

(B) (1m) (C) Senate confirmation

1 (4) POWERS AND DUTIES. (a) When the department of justice brings an action
 2 on behalf of the citizens of this state and wins a money judgment or settlement in that
 3 action of \$100,000 or more and the court has established parameters as to how the
 4 money should be spent, the attorney general shall issue a public statement
 5 requesting persons to apply to the committee for a grant from the money judgment
 6 or settlement. The attorney general shall include in that statement a list of the
 7 parameters established by the court for the use of the money. The statement shall
 8 include an application form that must be used to apply for a grant. The attorney
 9 general shall include that statement on the department of justice Web site and shall
 10 publish the statement as a class 1 notice, under ch. 985, in the official state
 11 newspaper designated under s. 985.04.

***NOTE: Does this paragraph mean that if the court has not established any parameters for the use of the money the attorney general does not have to use the committee process to spend the money?

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

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

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

1 ~~(A)~~ ^(e) No public testimony may be presented at the committee meeting. The
2 committee shall review the applications during the meeting and determine who is
3 to receive an award and how much to award.

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

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

1 the disapproval, revise the award and submit the revised award to the joint
2 committee on finance for its approval.

3 (c) When making a decision regarding an award, the joint committee on finance
4 may only look at whether the purpose for which award is made is in accordance with
5 the parameters established by the court. The joint committee on finance may not
6 look at the process by which the court reached its determination as to the judgment
7 or settlement.

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

Insert 59 →
10 **SECTION ~~2~~ Nonstatutory provisions.**

11 (1) Notwithstanding the length of terms specified for the members of the joint
12 committee on court judgments and settlements ~~nominated by the attorney general~~
13 ~~and governor~~ *and supreme* under section 13.59 (1) (c) ~~and (d)~~ *and (e)* of the statutes, as created by this act,
14 the initial term for one of the initial members nominated by the attorney general and
15 for one of the initial members nominated by the governor shall be for 2 years. Those
16 2 members may serve 2 4-year terms in addition to their initial 2-year term.

17 (END)

Insert 5-9

-0046/P2

Section #. 25.60 of the statutes is amended to read:

25.60 Budget stabilization fund. There is created a separate nonlapsible trust fund designated as the budget stabilization fund, consisting of moneys transferred to the fund from the general fund under s. 16.518 (3).

History: 1985 a. 120; 2001 a. 16.

and any other moneys that are required by law to be deposited in the fund

(u)



5004 (10/8)
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0046/P2
RPN:kmg:jf

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

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 behalf
3 of the state.

Analysis by the Legislative Reference Bureau

in Gen. F
Anf →

~~This is a preliminary draft. An analysis will be provided in a later version.~~
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:

4 SECTION 1. 13.59 of the statutes is created to read:
5 **13.59 Joint committee on court judgments and settlements. (1)**
6 CREATION. There is created a joint committee on court judgments and settlements,
7 to review court cases in which the attorney general has obtained a financial
8 settlement or judgment on behalf of the citizens of this state and to determine how
9 the funds received from those cases will be used. The committee shall consist of the
10 following members:

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

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

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

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

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

13 **(1m) SENATE CONFIRMATION.** The individuals nominated under sub. (1) (c) to (e)
14 shall be appointed with the advice and consent of the senate.

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

17 (b) Each individual appointed under sub. (1) (c) to (e) may not serve more than
18 2 full terms.

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

1 (3) OFFICERS. The appointed majority party member of the senate and the
2 appointed majority party member of the assembly shall serve as cochairs of the
3 committee.

4 (4) POWERS AND DUTIES. (a) When the department of justice brings an action
5 on behalf of the citizens of this state and wins a money judgment or settlement in that
6 action of \$100,000 or more and the court has established parameters as to how the
7 money should be spent, the attorney general shall issue a public statement
8 requesting persons to apply to the committee for a grant from the money judgment
9 or settlement. The attorney general shall include in that statement a list of the
10 parameters established by the court for the use of the money. The statement shall
11 include an application form that must be used to apply for a grant. The attorney
12 general shall include that statement on the department of justice Web site and shall
13 publish the statement as a class 1 notice, under ch. 985, in the official state
14 newspaper designated under s. 985.04

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

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

23 (d) Within 30 days after the deadline for submitting an application, the
24 committee shall meet in open session to consider the applications. The department
25 of justice shall post the time and place of the committee meeting on the department's

1 Web site as soon as the meeting is scheduled. The legislature shall post the time and
2 place of the committee meeting on the legislature's Web site no less than 24 hours
3 before the starting time of the meeting. Failure to meet the time limits under this
4 paragraph shall invalidate any action taken at that meeting.

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

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

22 (b) If the joint committee on finance schedules a meeting to review an award,
23 that committee may only vote for or against an award. The joint committee on
24 finance may not amend the amount of an award. If the joint committee on finance
25 disapproves an award, that committee shall return the proposal to the joint

1 committee on court judgments and settlements within 30 days after disapproving
2 the award, with an explanation of why the award was disapproved. The joint
3 committee on court judgments and settlements may ⁹ within 30 days after receipt of
4 the disapproval revise the award and submit the revised award to the joint
5 committee on finance for its approval.

6 (c) When making a decision regarding an award, the joint committee on finance
7 may only look at whether the purpose for which award is made is in accordance with
8 the parameters established by the court. The joint committee on finance may not
9 look at the process by which the court reached its determination as to the judgment
10 or settlement.

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

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

14 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
15 trust fund designated as the budget stabilization fund, consisting of moneys
16 transferred to the fund from the general fund under s. 16.518 (3) and any other
17 moneys that are required by law to be deposited in the fund.

18 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0046/lins
RPN:kmg:jf

Done Insert As of the

This bill establishes a ~~seven~~ ^{one} member joint committee on court judgments and settlements, composed of one individual nominated by the attorney general, by the governor, and by the supreme court and confirmed by the senate and one legislator, ^{each} appointed by the majority and minority leaders of each house. 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 ~~that~~ 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 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 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, 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 a 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.

*Hand
the
meeting*

the

*of the
Legislature*

2003 DRAFTING REQUEST

Bill

Received: **09/16/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Ted Kanavas (608) 266-9174**

By/Representing:

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Justice - civil**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kanavas@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Distribution of state monies from court settlement

Instructions:

See Attached

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>
/?							State
/P1	rnelson2 09/24/2002	kgilfoy 10/01/2002	pgreensl 10/02/2002		mbarman 10/03/2002		State
/P2	rnelson2 10/03/2002	kgilfoy 10/04/2002	jfrantze 10/07/2002		sbasford 10/07/2002		State

<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	rnelson2 10/08/2002	kgilfoy 10/08/2002	jfrantze 10/09/2002	_____	sbasford 10/09/2002	mbarman 01/07/2003	

FE Sent For: 10/15/2002.

<END>

Barman, Mike

From: Richards, Mike
Sent: Tuesday, January 07, 2003 3:01 PM
To: Barman, Mike
Subject: RE: 03-0046/1 (FE by DOJ) (attached) (for your review)

Can we get this jacketed?

Thanks,

Mike Richards
Aide to Senator Kanavas

-----Original Message-----

From: Barman, Mike
Sent: Monday, November 25, 2002 12:15 PM
To: Sen.Kanavas
Subject: 03-0046/1 (FE by DOJ) (attached) (for your review)

FE_Kanavas.pdf

Memo

To: Senator Representative

Kanavas

(The Draft's Requestor)

Per your request ... the attached is a fiscal estimate was prepared for your un-introduced 2003 draft.

LRB Number: LRB - 0046

Version: " / 1 "

Entered In Computer And Copy Sent To Requestor Via E-Mail: 11 / 25 / 2002

Fiscal Estimate Prepared By: (agency abbr.) DOJ

If you have questions about the enclosed fiscal estimate, you may contact the agency/individual that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For A Un-Introduced Draft*

> If this draft is **re-drafted** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.

> If this draft is **introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> If this draft is **introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the drafts introduction number below and give this fiscal estimate to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 01 - 29 - 2003
SB-17

Barman, Mike

From: Barman, Mike
Sent: Monday, November 25, 2002 12:15 PM
To: Sen.Kanavas
Subject: 03-0046/1 (FE by DOJ) (attached) (for your review)



FE_Kanavas.pdf

FE_Kanavas.pdf