

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB17)

Received: **04/02/2003**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Bruce P**

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:

Use of court settlements and judgments for the state

Instructions:

Use a0416 as base, but keep budget stabilization, and differentiate by judgment for particular people, particular purpose, or other.

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>
/?							
/P1	rnelson2 04/03/2003	csicilia 04/03/2003	rschluet 04/03/2003	_____	amentkow 04/03/2003		
/1	rnelson2 04/08/2003	csicilia 04/08/2003	chaskett 04/08/2003	_____	amentkow 04/08/2003	amentkow 04/08/2003	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rnelson2 04/10/2003	csicilia 04/10/2003	pgreensl 04/10/2003	_____	amentkow 04/10/2003	amentkow 04/10/2003	

FE Sent For:

<END>

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/?							
/P1	rnelson2 04/03/2003	csicilia 04/03/2003	rschluet 04/03/2003	<i>4/10</i>	amentkow 04/03/2003		
/1	rnelson2 04/08/2003	csicilia 04/08/2003	chaskett 04/08/2003	<i>4/10</i> <i>PG 15</i>	amentkow 04/08/2003	amentkow 04/08/2003	

1/2 js 4/10/09
4/10 PG

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of court settlements and judgments for the state

*4/8 Add back the awards
cut under 01# 2392, in WA 109*

Instructions:

Use a0416 as base, but keep budget stabilization, and differentiate by judgment for particular people, particular purpose, or other.

Drafting History:

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/P1	rnelson2 04/03/2003	csicilia 04/03/2003	rschluet 04/03/2003	<i>rs/coh</i> 4/8	amentkow 04/03/2003		

FE Sent For:

*1 cjs 2/8 1 cpb
03 4/8*

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of court settlements and judgments for the state

Instructions:

Use a0416 as base, but keep budget stabilization, and differentiate by judgment for particular people, particular purpose, or other.

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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/? rnelson2

1 p1 cis 2/3
03

[Handwritten signatures and initials]
4-3-2 pg 6
<END>

FE Sent For:



4/4 am
State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0053/P1

RPM
js

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,
TO 2003 SENATE BILL 17

AN ACT ...; relating to: ???

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

(END)

50053/P1

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.

LPS:
THAW BILL
SECTION
NUMBERS

Regen cat
DSS

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. and providing grants to ~~persons~~ persons
from court judgments and settlements

substitute amendment
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~~ ~~court-ordered parameters~~. 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. substitute amendment

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

Specific purpose for which the money must be used

specify particular persons or a particular purpose

does not specify that the money go to particular persons but does specify that money be used for a particular purpose

SENATE BILL 17

Substitute
amendment

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:

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

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

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

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

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

SENATE BILL 17

2

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

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

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

7 ⁽²⁾ ~~(1a)~~ SENATE CONFIRMATION. The individuals nominated under sub. (1) (c) to (e)
8 shall be appointed with the advice and consent of the senate.

9 ⁽³⁾ ~~(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 ⁽⁴⁾ ~~(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.

insert
3-22

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

insert
3-25

SENATE BILL 17

SECTION 1

joint committee on court judgments and settlements

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~~ ^{the purpose specified} ~~by the court~~ ^{judgment or settlement} 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 ^{specified that payments}

8 ⁽²⁾ ~~(1)~~ ^{judgment or settlement} If the court has not established parameters as to how ~~a~~ money judgment or
9 ~~settlement under paragraph (1) shall be spent~~ ^{to particular persons or for a particular purpose} the money that the state receives shall be
10 deposited in the Budget Stabilization Fund. ^{sub. (1)}

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

16 ⁽⁴⁾ ~~(3)~~ 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 ^{subsection} ~~paragraph~~ shall invalidate any action taken at that meeting.

23 ⁽⁵⁾ ~~(4)~~ 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

insert
5-2

~~(5) JOINT COMMITTEE ON FINANCE REVIEW. (a) The joint committee on court judgments and settlements shall submit its determination of award winners to the~~

joint committee on finance for review. If the cochairpersons of the joint committee on finance do not notify the joint committee on court judgments and settlements that the joint committee on finance has scheduled a meeting for the purpose of reviewing the recommended awards within 14 working days after the date of the submittal by the joint committee on court judgments and settlements, the department of justice shall make the awards as determined by the joint committee on court judgments and settlements. If, within 14 working days after the date of the submittal by the joint committee on court judgments and settlements, the cochairpersons of the joint committee on finance notify the joint committee on court judgments and settlements that the joint committee on finance has scheduled a meeting for the purpose of reviewing the recommended awards, the department of justice may make the awards only with the approval of the joint committee on finance.

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

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

SENATE BILL 17

SECTION 1

purpose

judgment or settlement

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 (9) 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)

*this bill
section is out
of order -
please sort.*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT,
TO 2003 SENATE BILL 17

Inger's

LPS:
THAW BILL
SECTION
NUMBERS

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 22: delete that line and substitute:

*insert
3-22*

3 SECTION ~~165.28~~ 165.28 of the statutes is created to read:

4 165.28 Allocation of court judgments and settlements. (1) When the
5 department of justice brings an action".

6 2. Page 3, line 24: delete lines 24 and 25 and substitute "action of \$100,000 or

*insert
3-25*

7 more and ~~the action has not been brought on behalf of particular persons and~~ the
8 court judgment or the settlement does not specify that payments be made ^{from the award} to
9 particular persons, ^{but does specify that the payments be used for a} the attorney general shall issue a public statement". ^{particular purpose}

10 3. Page 4, line 1: on lines 1, 12, 13, 17, 18, 20, 23 and 24, substitute "joint
11 committee on court judgments and settlements" for "committee".

1 4. Page 4, line 3: delete "parameters established by the court" and substitute
2 "conditions that the attorney general established". ✓

3 5. Page 4, line 8: delete lines 8 to 10. No ✓

4 6. Page 4, line 11: delete "(c)" and substitute "(2)".

5 7. Page 4, line 12: delete "par. (a)" and substitute "sub. (1)". ✓

6 8. Page 4, line 16: delete "(d)" and substitute "(3)". ✓

7 9. Page 4, line 22: delete "paragraph" and substitute "subsection".

8 10. Page 4, line 23: delete "(e)" and substitute "(4)". ✓

9 11. Page 5, line 1: delete lines 1 and 2 and substitute: ✓

10 ~~The attorney general shall submit the joint committee on court judgments~~
11 ~~and settlements' determination of award winners under sub. (4) to the~~ ⁵
insert 5-1

12 12. Page 5, line 15: delete "(b)" and substitute "(6)". ✓

13 13. Page 5, line 24: delete "(c)" and substitute "(7)". ✓

14 14. Page 6, line 1: delete "parameters established by the court" and substitute
15 "conditions that the attorney general established". ✓

16 15. Page 6, line 4: delete "(d)" and substitute "(8)". ✓

17 16. Page 6, line 6: delete lines 6 to 10. No ✓

18

(END)

APPROPRIATIONS AND BUDGET MANAGEMENT 20.455

salaries, benefits, incentive pay-
ments; *environmental fund*. Biennially, the amounts in the schedule for projects required under a shoreline conservation fund; *waterfront projects*; *community conservation fund*, the payment of Wisconsin conservation grants and for the payment of other costs for projects along waterfronts project sponsors. Corps enrollees of salaries, benefits, incentive payments; *conservation fund*. From the schedule for the payment of to the Wisconsin conservation

LEARNING BOARD. (a) *General* amounts in the schedule for the general director's work-based learning board *ship grants*. The amounts in the schedule for the payment of to the Wisconsin conservation

grants for children at risk. The amounts in the schedule for the payment of to nonprofit organizations *training grants*. The amounts in the schedule for the payment of to the Wisconsin conservation

grants for the technical college system. All moneys transferred from s. 20.292 (1) (m) for school-to-work transition grants.

grants for work-based learning. The amounts in the schedule for the payment of to the Wisconsin conservation

grants for work-based learning. The amounts in the schedule for the payment of to the Wisconsin conservation

agency programs. All moneys received and all moneys received by the department for the administration of provided.

(d) *Legal expenses*. Biennially, the amounts in the schedule for the payment of expenses, except staff salaries and fringe benefits, incurred by the department of justice in the prosecution or defense of any action or proceeding in which the state may be a party or may have an interest, for any abstract of title, clerk of court's fees, sheriff's fees or any other expense actually necessary to the prosecution or defense of those cases, for the payment of expenses incurred where the department of justice is not involved, and where the statutes provide that those expenses shall be paid from this appropriation, unless the cost or expenses are charged to some other appropriation.

(gh) *Investigation and prosecution*. The amounts in the schedule for the expenses of investigation and prosecution of violations, including attorney fees, under ss. 49.49 (6), 100.263, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b) and 299.97; ten percent of all moneys received under ss. 49.49 (6), 100.263, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b) and 299.97, for the expenses of investigation and prosecution of violations, including attorney fees, shall be credited to this appropriation account.

(gs) *Delinquent obligation collection*. From the moneys received under s. 165.30 (3) (b), the amounts in the schedule for expenses related to the collection of delinquent obligations under s. 165.30.

(hm) *Restitution*. All moneys received by the department to provide restitution to victims when ordered by the court as the result of prosecutions under s. 49.49 and chs. 100, 133, 281 to 285 and 289 to 299 and under a federal antitrust law for the purpose of providing restitution to victims of the violation when ordered by the court.

(k) *Environment litigation project*. All moneys received from the department of natural resources for materials or services provided by the department of justice regarding a project involving the use of environmental litigation to protect air, land and water resources to be used to pay for costs and expenses associated with those materials and services.

(km) *Interagency and intra-agency assistance*. The amounts in the schedule to provide legal services to state agencies. All moneys received from the department or any other state agency for legal services shall be credited to this appropriation.

(kt) *Telecommunications positions*. All moneys received from the public service commission under s. 196.85 (2m), 1997 stats., for services provided by the department of justice relating to telecommunications matters. No moneys may be encumbered from this appropriation after June 30, 1999.

(m) *Federal aid*. All moneys received as federal aid as authorized by the governor under s. 16.54.

(2) LAW ENFORCEMENT SERVICES. (a) *General program operations*. The amounts in the schedule for general program operations, including operating the state crime laboratories, performing investigations, providing law enforcement services and



State of Wisconsin
2003 - 2004 LEGISLATURE

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To day 4/8

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stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE SUBSTITUTE AMENDMENT,

TO 2003 SENATE BILL 17

SAJ
new CRS ✓

Per ^{cat}

1 AN ACT to amend 25.60; and to create 13.59 and 165.28 of the statutes; relating
2 to: creating a Joint Committee on Court Judgments and Settlements made on
3 behalf of the state and providing grants to persons from court judgments and
4 settlements and making an appropriation

Analysis by the Legislative Reference Bureau

This substitute amendment 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 substitute amendment, 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 does not specify that the money go to particular persons but does specify that money be used for a particular purpose. The notice shall include the specific purpose for which the money must be used and ask persons to apply to the newly created committee for a grant from the awarded money. If the court did not specify particular persons or a particular purpose for the use of the

(DOT)

DOJ

awarded money, the substitute amendment requires the money to be deposited in the budget stabilization fund.

Under the substitute amendment, 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 substitute amendment 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 by the substitute amendment to meet within 30 days after the application deadline to determine the amounts and recipients of grants. Under the substitute amendment, 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 substitute amendment. However, the substitute amendment limits the Joint Committee on Finance review to approving or disapproving a specific grant, based on the purpose established by the court for the use of the money. If the Joint Committee on Finance disapproves a grant, the substitute amendment requires that committee to notify the Joint Committee on Court Judgments and Settlements of that decision within 30 days after making the decision. The substitute amendment 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.

insert
and }

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:

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. (2), one individual who is not a member of the legislature,
8 nominated by the attorney general.

9 (d) Subject to sub. (2), one individual who is not a member of the legislature,
10 nominated by the governor.

11 (e) Subject to sub. (2), one individual who is not a member of the legislature,
12 nominated by the supreme court.

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

15 **(3) 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 (4) 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 *insert 4-3* → SECTION 2. 25.60 of the statutes is amended to read:

5 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
6 trust fund designated as the budget stabilization fund, consisting of moneys
7 transferred to the fund from the general fund under s. 16.518 (3) and any other
8 moneys that are required by law to be deposited in the fund.

9 *insert 4-9* → SECTION 3. 165.28 of the statutes is created to read:

10 **165.28 Allocation of court judgments and settlements.** (1) When the
11 department of justice brings an action on behalf of the citizens of this state and wins
12 a money judgment or settlement in that action of \$100,000 or more and the court
13 judgment or the settlement does not specify that payments be made from the award
14 to particular persons, but does specify that payments be used for a particular purpose
15 the attorney general shall issue a public statement requesting persons to apply to the
16 joint committee on court judgments and settlements for a grant from the money
17 judgment or settlement. The attorney general shall include in that statement the
18 purpose specified by the court judgment or settlement for the use of the money. The
19 statement shall include an application form that must be used to apply for a grant.
20 The attorney general shall include that statement on the department of justice Web
21 site and shall publish the statement as a class 1 notice, under ch. 985, in the official
22 state newspaper designated under s. 985.04

23 (2) If the court judgement or settlement has not specified that payments be
24 made from the money judgment or settlement under sub. (1) to particular persons

1 or for a particular purpose, the money that the state receives shall be deposited in
2 the budget stabilization fund.

3 (3) A person shall apply to the department of justice for a grant from the joint
4 committee on court judgments and settlements within 60 days after the notice under
5 sub. (1) is published. The department of justice shall process any applications and
6 provide the joint committee on court judgments and settlements with the staff
7 necessary to review and make a determination as to the merits of an application.

8 (4) Within 30 days after the deadline for submitting an application, the joint
9 committee on court judgments and settlements shall meet in open session to consider
10 the applications. The department of justice shall post the time and place of the joint
11 committee on court judgments and settlements meeting on the department's Web
12 site as soon as the meeting is scheduled. The legislature shall post the time and place
13 of the joint committee on court judgments and settlements meeting on the
14 legislature's Web site no less than 24 hours before the starting time of the meeting.
15 Failure to meet the time limits under this subsection shall invalidate any action
16 taken at that meeting.

17 (5) No public testimony may be presented at the joint committee on court
18 judgments and settlements meeting. The joint committee on court judgments and
19 settlements shall review the applications during the meeting and determine who is
20 to receive an award and how much to award.

21 (6) The attorney general shall submit the joint committee on court judgments
22 and settlements' determination of award winners under sub. (5) to the joint
23 committee on finance for review. If the cochairpersons of the joint committee on
24 finance do not notify the joint committee on court judgments and settlements that
25 the joint committee on finance has scheduled a meeting for the purpose of reviewing

1 the recommended awards within 14 working days after the date of the submittal by
2 the joint committee on court judgments and settlements, the department of justice
3 shall make the awards as determined by the joint committee on court judgments and
4 settlements. If, within 14 working days after the date of the submittal by the joint
5 committee on court judgments and settlements, the cochairpersons of the joint
6 committee on finance notify the joint committee on court judgments and settlements
7 that the joint committee on finance has scheduled a meeting for the purpose of
8 reviewing the recommended awards, the department of justice may make the awards
9 only with the approval of the joint committee on finance.

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

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

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

(END)

insert
7-2 }
2 }
3 } →

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0053/lins
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insert anl:

Before 2001 Wisconsin Act 109, when a court awarded DOJ expenses related to the investigation and prosecution of violators of state laws, ~~10 percent~~ of the money awarded was credited to an appropriation account for the use of DOJ in investigating and prosecuting additional violators. These provisions were removed by 2001 Wisconsin Act 109. This bill reinstates those provisions, allowing ~~10 percent~~ of the money awarded for the investigation and prosecution of violators to be credited to a continuing appropriation for DOJ to use for investigating and prosecuting violators.

insert 4-3:

SECTION ~~(#)~~ 20.455 (1) (gh) of the statutes is created to read:

20.455 (1) (gh) *Investigation and prosecution.* ~~As a continuing appropriation,~~

~~10 percent~~ of all moneys received under ss. 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b), 292.99 (2), 293.87 (4) (b), 295.19 (3) (b), and 299.97 (2), for the expenses of investigation and prosecution of violations, including attorney fees,

~~under those sections, subsections, and paragraphs, shall be credited to this appropriation account~~

insert 4-9:

SECTION ~~(#)~~ 49.49 (6) of the statutes is amended to read:

49.49 (6) RECOVERY. In addition to other remedies available under this section, the court may award the department of justice the reasonable and necessary costs of investigation, an amount reasonably necessary to remedy the harmful effects of the violation and the reasonable and necessary expenses of prosecution, including attorney fees, from any person who violates this section. The department of justice shall deposit in the state treasury for deposit in the general fund all moneys that the court awards to the department or the state under this subsection. Ten percent of the money deposited in the general fund that was awarded under this subsection for

Ten percent

ten percent

2.

auto number



1 the costs of investigation and the expenses of prosecution, including attorney fees,
2 shall be credited to the appropriation account under s. 20.455 (1) (gh).

3 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; 2001 a. 109.

3 SECTION 2. 133.16 of the statutes as amended to read:

4 **133.16 Injunction; pleading; practice.** Any circuit court may prevent or
5 restrain, by injunction or otherwise, any violation of this chapter. The department
6 of justice, any district attorney or any person by complaint may institute actions or
7 proceedings to prevent or restrain a violation of this chapter, setting forth the cause
8 and grounds for the intervention of the court and praying that such violation,
9 whether intended or continuing be enjoined or prohibited. When the parties
10 informed against or complained of have been served with a copy of the information
11 or complaint and cited to answer it, the court shall proceed, as soon as may be in
12 accordance with its rules, to the hearing and determination of the case; and pending
13 the filing of the answer to such information or complaint may, at any time, upon
14 proper notice, make such temporary restraining order or prohibition as is just.
15 Whenever it appears to the court that the ends of justice require that other persons
16 be made parties to the action or proceeding the court may cause them to be made
17 parties in such manner as it directs. The party commencing or maintaining the
18 action or proceeding may demand and recover the cost of suit including reasonable
19 attorney fees. In an action commenced by the department of justice, the court may
20 award the department of justice the reasonable and necessary costs of investigation
21 and an amount reasonably necessary to remedy the harmful effects of the violation.
22 The department of justice shall deposit in the state treasury for deposit in the general
23 fund all moneys that the court awards to the department or the state under this
24 section. Ten percent of the money deposited in the general fund that was awarded

1 under this subsection for the costs of investigation and the expenses of suit, including
 2 attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).
 3 Copies of all pleadings filed under this section shall be served on the department of
 4 justice.

History: 1979 c. 209; 1995 a. 27; 2001 a. 109.

5
6 insert 7-2:

7 ~~SECTION 3.~~ SECTION 281.98 (2) of the statutes is amended to read:

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

History: 1995 a. 227; 1997 a. 27; 1999 a. 147; 2001 a. 6, 109.

17 ~~SECTION 4.~~ SECTION 283.91 (5) of the statutes is amended to read: *remove x tra space*
 18 283.91 (5) In addition to all other civil and criminal penalties prescribed under
 19 this chapter, the court may assess as an additional penalty a portion or all of the costs
 20 of the investigation, including monitoring, which led to the establishment of the
 21 violation. The court may award the department of justice the reasonable and
 22 necessary expenses of the prosecution, including attorney fees. The department of
 23 justice shall deposit in the state treasury for deposit into the general fund all moneys
 24

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

5 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; 2001 a. 109.

SECTION ~~5~~ 289.96 (3) (b) of the statutes is amended to read:

6 289.96 (3) (b) In addition to the penalties provided under par. (a), the court may
7 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 paragraph. Ten percent of the money deposited in the general fund that was awarded
12 under this ~~subsection~~ ^{paragraph} for the costs of investigation and the expenses of prosecution,
13 including attorney fees, shall be credited to the appropriation account under s.
14 20.455 (1) (gh).

15 History: 1985 a. 46; 1995 a. 227 s. ~~641~~ 991; Stats. 1995 s. ~~289.96~~ 289.96; 2001 a. 109.

SECTION ~~6~~ 292.99 (2) of the statutes is amended to read:

16 292.99 (2) In addition to the penalties provided under subs. (1) and (1m), the
17 court may award the department of justice the reasonable and necessary expenses
18 of the investigation and prosecution of the violation, including attorney fees. The
19 department of justice shall deposit in the state treasury for deposit into the general
20 fund all moneys that the court awards to the department or the state under this
21 subsection. Ten percent of the money deposited in the general fund that was awarded
22 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: 1995 a. 227; 1999 a. 9; 2001 a. 16, 109.

3 **SECTION 7. 293.87 (4) (b)** of the statutes is amended to read:

4 293.87 (4) (b) In addition to the penalties provided under par. (a), the court may
5 award the department of justice the reasonable and necessary expenses of the
6 investigation and prosecution of the violation, including attorney fees. The
7 department of justice shall deposit in the state treasury for deposit into the general
8 fund all moneys that the court awards to the department or the state under this
9 paragraph. Ten percent of the money deposited in the general fund that was awarded
10 under this ~~subsection~~ ^{paragraph} for the costs of investigation and the expenses of prosecution,
11 including attorney fees, shall be credited to the appropriation account under s.
12 20.455 (1) (gh).

History: 1973 c. 318; 1977 c. 421; 1995 a. 227 s. 796, 994; Stats. 1995 s. 293.87; 2001 a. 109.

13 **SECTION 8. 295.19 (3) (b) 2.** of the statutes is amended to read:

14 295.19 (3) (b) 2. In addition to the penalties provided under subd. 1., the court
15 may award the department of justice the reasonable and necessary expenses of the
16 investigation and prosecution of the violation, including attorney fees. The
17 department of justice shall deposit in the state treasury for deposit into the general
18 fund all moneys that the court awards to the department or the state under this
19 subdivision. Ten percent of the money deposited in the general fund that was
20 awarded under this ~~subsection~~ ^{subdivision} for the costs of investigation and the expenses of
21 prosecution, including attorney fees, shall be credited to the appropriation account
22 under s. 20.455 (1) (gh).

History: 1995 a. 227 s. 810, 995; 1997 a. 27; 2001 a. 109.

23 **SECTION 9. 299.97 (2)** of the statutes is amended to read:

1 299.97 (2) In addition to the penalties provided under sub. (1), the court may
2 award the department of justice the reasonable and necessary expenses of the
3 investigation and prosecution of the violation, including attorney fees. The
4 department of justice shall deposit in the state treasury for deposit into the general
5 fund all moneys that the court awards to the department or the state under this
6 subsection. Ten percent of the money deposited in the general fund that was awarded
7 under this subsection for the costs of investigation and the expenses of prosecution,
8 including attorney fees, shall be credited to the appropriation account under s.
9 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; 2001 a. 109.

Nelson, Robert P.

To: Pfaff, Bruce
Subject: RE: LRB 03s0053 Topic: Use of court settlements and judgments for the state

You have the stripes for the sub. amd. that you have to return to the LRB before I can send you a redrafted version.

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

From: Pfaff, Bruce
Sent: Wednesday, April 09, 2003 4:37 PM
To: Nelson, Robert P.
Cc: Sweet, Richard; Offerdahl, Mary
Subject: RE: LRB 03s0053 Topic: Use of court settlements and judgments for the state

Bob,

Can you easily make the suggested changes from the legislative Council in the current Substitute amendment before we introduce it? If so please make the changes and send me a new draft for introduction.

Thanks,

Bruce

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

From: Sweet, Richard
Sent: Wednesday, April 09, 2003 1:16 PM
To: Pfaff, Bruce
Cc: Nelson, Robert P.; Offerdahl, Mary
Subject: RE: LRB 03s0053 Topic: Use of court settlements and judgments for the state

Bruce:

The language that I think you may want to fix up is on page 7, lines 10 and 11 of the proposed substitute amendment. Under that language, if any of the time limits in that subsection aren't met, the committee's actions would be invalidated. A problem might arise if the committee has scheduled a meeting for the 30th day, but can't meet or take action because of, for example, a snowstorm or lack of a quorum. The language wouldn't allow the committee to meet later since they wouldn't be meeting within 30 days after the deadline for submitting the application.

A way to fix this would be to substitute "Failure to post the notice as required by this subsection" for "Failure to meet the time limits under this subsection". That would still allow the committee's action to be invalidated if the meeting hasn't been noticed properly.

I cc'ed Bob Nelson since you said that you were working with him on this and also cc'ed Mary Offerdahl of our staff. If you're doing a /2 version of the sub, you could incorporate this change if you think it is appropriate.

Let me know if you have any questions.

Dick Sweet



4/10 an
State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs00531
RPN:cjs:epk
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Stays

SENATE SUBSTITUTE AMENDMENT,
TO 2003 SENATE BILL 17

(SEE P. 7)

SAV

Rese cat

1 AN ACT *to amend* 25.60, 49.49 (6), 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b),
2 292.99 (2), 293.87 (4) (b), 295.19 (3) (b) 2. and 299.97 (2); and *to create* 13.59,
3 20.455 (1) (gh) and 165.28 of the statutes; **relating to:** creating a Joint
4 Committee on Court Judgments and Settlements made on behalf of the state
5 and providing grants to persons from court judgments and settlements, and
6 making an appropriation.

Analysis by the Legislative Reference Bureau

This substitute amendment 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 substitute amendment, the attorney general is required to notify the public when the Department of Justice (DOJ) 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 does not specify that the money go to particular persons but does specify that money be used for a particular purpose. The notice shall include the specific purpose for which the money must be used and ask persons to apply to the newly created committee for a grant from the awarded

money. If the court did not specify particular persons or a particular purpose for the use of the awarded money, the substitute amendment requires the money to be deposited in the budget stabilization fund.

Under the substitute amendment, a person who wishes to receive a grant from the Joint Committee on Court Judgments and Settlements must apply to DOJ for a grant within 60 days after the attorney general issues the notice of an award. The substitute amendment requires DOJ 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 by the substitute amendment to meet within 30 days after the application deadline to determine the amounts and recipients of grants. Under the substitute amendment, 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 substitute amendment. However, the substitute amendment limits the Joint Committee on Finance review to approving or disapproving a specific grant, based on the purpose established by the court for the use of the money. If the Joint Committee on Finance disapproves a grant, the substitute amendment requires that committee to notify the Joint Committee on Court Judgments and Settlements of that decision within 30 days after making the decision. The substitute amendment 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.

Before 2001 Wisconsin Act 109, when a court awarded DOJ expenses related to the investigation and prosecution of violators of state laws, ten percent of the money awarded was credited to an appropriation account for the use of DOJ in investigating and prosecuting additional violators. These provisions were removed by 2001 Wisconsin Act 109. This bill reinstates those provisions, allowing ten percent of the money awarded for the investigation and prosecution of violators to be credited to a continuing appropriation for DOJ to use for investigating and prosecuting violators.

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

1 the funds received from those cases will be used. The committee shall consist of the
2 following members:

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

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

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

11 (d) Subject to sub. (2), one individual who is not a member of the legislature,
12 nominated by the governor.

13 (e) Subject to sub. (2), one individual who is not a member of the legislature,
14 nominated by the supreme court.

15 (2) SENATE CONFIRMATION. The individuals nominated under sub. (1) (c) to (e)
16 shall be appointed with the advice and consent of the senate.

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

19 (b) Each individual appointed under sub. (1) (c) to (e) may not serve more than
20 2 full terms.

21 (c) If an individual who is appointed under sub. (1) (c) to (e) fails to complete
22 his or her term, the attorney general, governor, or supreme court, as appropriate,
23 may nominate another individual for the remainder of the term. Those individuals
24 shall be appointed with the advice and consent of the senate. If an individual

1 appointed under this paragraph serves more than 50% of a 4-year term, that
2 individual may only serve one additional 4-year term.

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

6 SECTION 2. 20.455 (1) (gh) of the statutes is created to read:

7 20.455 (1) (gh) *Investigation and prosecution.* Ten percent of all moneys
8 received under ss. 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b),
9 292.99 (2), 293.87 (4) (b), 295.19 (3) (b) 2., and 299.97 (2), for the expenses of
10 investigation and prosecution of violations, including attorney fees.

11 SECTION 3. 25.60 of the statutes is amended to read:

12 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
13 trust fund designated as the budget stabilization fund, consisting of moneys
14 transferred to the fund from the general fund under s. 16.518 (3) and any other
15 moneys that are required by law to be deposited in the fund.

16 SECTION 4. 49.49 (6) of the statutes is amended to read:

17 49.49 (6) RECOVERY. In addition to other remedies available under this section,
18 the court may award the department of justice the reasonable and necessary costs
19 of investigation, an amount reasonably necessary to remedy the harmful effects of
20 the violation and the reasonable and necessary expenses of prosecution, including
21 attorney fees, from any person who violates this section. The department of justice
22 shall deposit in the state treasury for deposit in the general fund all moneys that the
23 court awards to the department or the state under this subsection. Ten percent of
24 the money deposited in the general fund that was awarded under this subsection for

1 the costs of investigation and the expenses of prosecution, including attorney fees,
2 shall be credited to the appropriation account under s. 20.455 (1) (gh).

3 SECTION 5. 133.16 of the statutes is amended to read:

4 **133.16 Injunction; pleading; practice.** Any circuit court may prevent or
5 restrain, by injunction or otherwise, any violation of this chapter. The department
6 of justice, any district attorney or any person by complaint may institute actions or
7 proceedings to prevent or restrain a violation of this chapter, setting forth the cause
8 and grounds for the intervention of the court and praying that such violation,
9 whether intended or continuing be enjoined or prohibited. When the parties
10 informed against or complained of have been served with a copy of the information
11 or complaint and cited to answer it, the court shall proceed, as soon as may be in
12 accordance with its rules, to the hearing and determination of the case; and pending
13 the filing of the answer to such information or complaint may, at any time, upon
14 proper notice, make such temporary restraining order or prohibition as is just.
15 Whenever it appears to the court that the ends of justice require that other persons
16 be made parties to the action or proceeding the court may cause them to be made
17 parties in such manner as it directs. The party commencing or maintaining the
18 action or proceeding may demand and recover the cost of suit including reasonable
19 attorney fees. In an action commenced by the department of justice, the court may
20 award the department of justice the reasonable and necessary costs of investigation
21 and an amount reasonably necessary to remedy the harmful effects of the violation.
22 The department of justice shall deposit in the state treasury for deposit in the general
23 fund all moneys that the court awards to the department or the state under this
24 section. Ten percent of the money deposited in the general fund that was awarded
25 under this section for the costs of investigation and the expenses of suit, including

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

2 Copies of all pleadings filed under this section shall be served on the department of
3 justice.

4 **SECTION 6.** 165.28 of the statutes is created to read:

5 **165.28 Allocation of court judgments and settlements.** (1) When the
6 department of justice brings an action on behalf of the citizens of this state and wins
7 a money judgment or settlement in that action of \$100,000 or more and the court
8 judgment or the settlement does not specify that payments be made from the award
9 to particular persons, but does specify that payments be used for a particular purpose
10 the attorney general shall issue a public statement requesting persons to apply to the
11 joint committee on court judgments and settlements for a grant from the money
12 judgment or settlement. The attorney general shall include in that statement the
13 purpose specified by the court judgment or settlement for the use of the money. The
14 statement shall include an application form that must be used to apply for a grant.
15 The attorney general shall include that statement on the department of justice Web
16 site and shall publish the statement as a class 1 notice, under ch. 985, in the official
17 state newspaper designated under s. 985.04

18 (2) If the court judgement or settlement has not specified that payments be
19 made from the money judgment or settlement under sub. (1) to particular persons
20 or for a particular purpose, the money that the state receives shall be deposited in
21 the budget stabilization fund.

22 (3) A person shall apply to the department of justice for a grant from the joint
23 committee on court judgments and settlements within 60 days after the notice under
24 sub. (1) is published. The department of justice shall process any applications and

1 provide the joint committee on court judgments and settlements with the staff
2 necessary to review and make a determination as to the merits of an application.

3 (4) Within 30 days after the deadline for submitting an application, the joint
4 committee on court judgments and settlements shall meet in open session to consider
5 the applications. The department of justice shall post the time and place of the joint
6 committee on court judgments and settlements meeting on the department's Web
7 site as soon as the meeting is scheduled. The legislature shall post the time and place
8 of the joint committee on court judgments and settlements meeting on the
9 legislature's Web site no less than 24 hours before the starting time of the meeting.

10 Failure to ^{post the notices as required} ~~meet the time limits~~ under this subsection ~~shall~~ ⁵ invalidate any action
11 taken at that meeting.

12 (5) No public testimony may be presented at the joint committee on court
13 judgments and settlements meeting. The joint committee on court judgments and
14 settlements shall review the applications during the meeting and determine who is
15 to receive an award and how much to award.

16 (6) The attorney general shall submit the joint committee on court judgments
17 and settlements' determination of award winners under sub. (5) to the joint
18 committee on finance for review. If the cochairpersons of the joint committee on
19 finance do not notify the joint committee on court judgments and settlements that
20 the joint committee on finance has scheduled a meeting for the purpose of reviewing
21 the recommended awards within 14 working days after the date of the submittal by
22 the joint committee on court judgments and settlements, the department of justice
23 shall make the awards as determined by the joint committee on court judgments and
24 settlements. If, within 14 working days after the date of the submittal by the joint
25 committee on court judgments and settlements, the cochairpersons of the joint

1 committee on finance notify the joint committee on court judgments and settlements
2 that the joint committee on finance has scheduled a meeting for the purpose of
3 reviewing the recommended awards, the department of justice may make the awards
4 only with the approval of the joint committee on finance.

5 (7) If the joint committee on finance schedules a meeting to review an award,
6 that committee may only vote for or against an award. The joint committee on
7 finance may not amend the amount of an award. If the joint committee on finance
8 disapproves an award, that committee shall return the proposal to the joint
9 committee on court judgments and settlements within 30 days after disapproving
10 the award, with an explanation of why the award was disapproved. The joint
11 committee on court judgments and settlements may revise the award and submit the
12 revised award to the joint committee on finance for its approval within 30 days after
13 receipt of the disapproval.

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

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

21 **SECTION 7.** 281.98 (2) of the statutes is amended to read:

22 281.98 (2) In addition to the penalties provided under sub. (1) or s. 281.99 (2),
23 the court may award the department of justice the reasonable and necessary
24 expenses of the investigation and prosecution of a violation of this chapter, including
25 attorney fees. The department of justice shall deposit in the state treasury for

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

6 SECTION 8. 283.91 (5) of the statutes is amended to read:

7 283.91 (5) In addition to all other civil and criminal penalties prescribed under
8 this chapter, the court may assess as an additional penalty a portion or all of the costs
9 of the investigation, including monitoring, which led to the establishment of the
10 violation. The court may award the department of justice the reasonable and
11 necessary expenses of the prosecution, including attorney fees. The department of
12 justice shall deposit in the state treasury for deposit into the general fund all moneys
13 that the court awards to the department or the state under this subsection. Ten
14 percent of the money deposited in the general fund that was awarded under this
15 subsection for the costs of investigation and the expenses of prosecution, including
16 attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

17 SECTION 9. 289.96 (3) (b) of the statutes is amended to read:

18 289.96 (3) (b) In addition to the penalties provided under par. (a), the court may
19 award the department of justice the reasonable and necessary expenses of the
20 investigation and prosecution of the violation, including attorney fees. The
21 department of justice shall deposit in the state treasury for deposit into the general
22 fund all moneys that the court awards to the department or the state under this
23 paragraph. Ten percent of the money deposited in the general fund that was awarded
24 under this paragraph 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 **SECTION 10.** 292.99 (2) of the statutes is amended to read:

4 292.99 (2) In addition to the penalties provided under subs. (1) and (1m), the
5 court may award the department of justice the reasonable and necessary expenses
6 of the investigation and prosecution of the violation, including attorney fees. The
7 department of justice shall deposit in the state treasury for deposit into the general
8 fund all moneys that the court awards to the department or the state under this
9 subsection. Ten percent of the money deposited in the general fund that was awarded
10 under this subsection for the costs of investigation and the expenses of prosecution,
11 including attorney fees, shall be credited to the appropriation account under s.
12 20.455 (1) (gh).

13 **SECTION 11.** 293.87 (4) (b) of the statutes is amended to read:

14 293.87 (4) (b) In addition to the penalties provided under par. (a), the court may
15 award the department of justice the reasonable and necessary expenses of the
16 investigation and prosecution of the violation, including attorney fees. The
17 department of justice shall deposit in the state treasury for deposit into the general
18 fund all moneys that the court awards to the department or the state under this
19 paragraph. Ten percent of the money deposited in the general fund that was awarded
20 under this paragraph for the costs of investigation and the expenses of prosecution,
21 including attorney fees, shall be credited to the appropriation account under s.
22 20.455 (1) (gh).

23 **SECTION 12.** 295.19 (3) (b) 2. of the statutes is amended to read:

24 295.19 (3) (b) 2. In addition to the penalties provided under subd. 1., the court
25 may 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 subdivision. Ten percent of the money deposited in the general fund that was
5 awarded under this subdivision for the costs of investigation and the expenses of
6 prosecution, including attorney fees, shall be credited to the appropriation account
7 under s. 20.455 (1) (gh).

8 **SECTION 13.** 299.97 (2) of the statutes is amended to read:

9 299.97 (2) In addition to the penalties provided under sub. (1), the court may
10 award the department of justice the reasonable and necessary expenses of the
11 investigation and prosecution of the violation, including attorney fees. The
12 department of justice shall deposit in the state treasury for deposit into the general
13 fund all moneys that the court awards to the department or the state under this
14 subsection. Ten percent of the money deposited in the general fund that was awarded
15 under this subsection for the costs of investigation and the expenses of prosecution,
16 including attorney fees, shall be credited to the appropriation account under s.
17 20.455 (1) (gh).

18 (END)