

2019 DRAFTING REQUEST

Assembly Amendment (AA-AB56)

For: Legislative Fiscal Bureau Drafter: mjohns
By: Hannah Secondary Drafters:
Date: 4/23/2019 May Contact:

Same as LRB:

Submit via email: YES
Requester's email:
Carbon copy (CC) to: becky.hannah@legis.wisconsin.gov
Melinda.Johns@legis.wisconsin.gov

Pre Topic:

LFB:.....Hannah, Y23 -

Topic:

Settlement and relator appropriations

Instructions:

Remove settlement and relator appropriations as described in LFB summary page 256, #16

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. It contains two rows of drafting history data.

FE Sent For: <END>

compromising or discontinuing a civil action which DOJ is prosecuting to either receive the approval of a legislative intervenor or, if there is no intervenor, the Joint Finance Committee (JFC) and, if the plan concedes the unconstitutionality or other invalidity of statute, the Joint Committee on Legislative Organization (JCLO).

Repeal the provision of Act 369 which requires DOJ, in defending actions for injunctive relief or an action involving a proposed consent decree, to obtain approval of any legislative intervenor or, if there is no intervenor, JFC, and, if the plan concedes the unconstitutionality or other invalidity of statute, JCLO.

Under the bill, settlement powers would be reestablished as before Act 369. Under the bill, the Attorney General would be allowed to compromise or discontinue actions prosecuted by DOJ: (a) when directed by the officer, department, board, or commission that directed the prosecution; or (b) with the approval of the Governor when the action is prosecuted by DOJ on the initiative of the Attorney General or at the request of any individual.

Under the bill, when DOJ is representing the defense, the Attorney General may compromise and settle the action as the Attorney General determines to be in the best interest of the state.

[Bill Sections: 1778 and 1782]

16. SETTLEMENT AND RELATOR APPROPRIATIONS

Governor: Repeal the provision created in 2017 Act 369 which requires DOJ to deposit all settlement funds into the general fund. Establish three PR continuing appropriations to which settlements funds paid to the state may be received: (a) one for funds that have a purpose specified by the terms of the settlement for specific purposes; (b) one for funds without a purpose specified by the terms of the settlement to be used at the discretion of the Attorney General (discretionary funds); and (c) one for relator funds. (A relator is a type of party in a qui tam lawsuit. A qui tam lawsuit is one brought under a law that allows a private person to sue for a penalty, part of which the government may receive.)

Convert DOJ's two gifts and grant appropriations from annual to continuing appropriations. As continuing appropriations, DOJ would be authorized to expend any available cash balances credited to each appropriation regardless of appropriated levels authorized by the Legislature.

Require DOJ to submit to DOA and JFC a semiannual report on the receipt and use of settlement funds. The report is required to specify the: (a) total amount of settlement funds received; (b) amount of settlement funds received that have a purpose specified by the terms of the settlement; (c) amount of settlement funds received that do not have a purpose specified by the terms of the settlement; (d) cases from which settlement funds are received; and (e) purposes for which settlement funds are used, and the amounts expended for each purpose.

[Bill Sections: 232, 237, 241 thru 243, 1779, and 1783]

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRBb0072?

MLJ...

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D NOTE

LFB:.....Hannah, Y23 - Settlement and relator appropriations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 56

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

2 **1.** Page 398, line 1: delete lines 1 to 3.

3 **2.** Page 398, line 19: delete lines 19 to 24.

4 **3.** Page 399, line 17: delete the material beginning with that line and ending
5 with page 400, line 10.

6 **4.** Page 931, line 3: delete that line.

7 **5.** Page 932, line 23: delete the material beginning with that line and ending
8 with page 933, line 11.

9 **6.** Page 1128, line 21: delete lines 21 to 24.

****NOTE: This material, which comes from LRB 2081/P2, must be deleted as it would transfer money into a newly created appropriation that is being yanked with LRB 1484/P4.



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(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0072/P1dn

MLJ:..

ahc

Date

and
✦ This draft reconciles LRB-1484 and LRB-2081. LRB-1484 has been yanked from the budget bill, and as a result, the fiscal change from LRB-2081 must also be deleted as it transfers money into an appropriation that is no longer being created because of the yank.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0072/P1dn

MLJ:ahe

April 24, 2019

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRBb0072/P1
MLJ:ahe

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