



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0546/P1  
PJH:kjf:jf

DOA:.....Kirby, BB0242 - Special Counsel

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Under current law, the governor may appoint special counsel to assist or to act instead of the attorney general in certain actions or proceedings. Special counsel are paid from an appropriation to DOJ. This bill transfers the appropriation for special counsel from DOJ to DOA.

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

**SECTION 1.** 5.05 (2m) (c) 6. b. of the statutes is amended to read:

5.05 **(2m)** (c) 6. b. The board shall enter into a written contract with any individual who is retained as special counsel setting forth the terms of the engagement. The contract shall set forth the compensation to be paid such counsel by the state. The contract shall be executed on behalf of the state by the board's legal

counsel, who shall file the contract in the office of the secretary of state. The compensation shall be charged to the appropriation under s. ~~20.455 (1) (b)~~ 20.505 (1) (d).

**SECTION 2.** 14.11 (2) (b) of the statutes is amended to read:

14.11 (2) (b) When special counsel is employed, a contract in writing shall be entered into between the state and such counsel, in which shall be fixed the compensation to be paid such counsel by the state. The contract shall be executed in behalf of the state by the governor, and shall be filed in the office of the secretary of state. Such compensation shall be charged to the special counsel appropriation in s. ~~20.455 (1) (b)~~ 20.505 (1) (d).

**SECTION 3.** 20.285 (2) (j) of the statutes is amended to read:

20.285 (2) (j) Notwithstanding s. 20.001 (2) (c), annually, there shall lapse from the appropriation accounts under ss. 20.285 (1) (a), (gb), and (ge) an amount equal to the amount spent during that fiscal year from the appropriation account under s. ~~20.455 (1) (b)~~ 20.505 (1) (d) for legal advice regarding public broadcasting by the University of Wisconsin System, as determined by the secretary of administration.

**SECTION 4.** 20.455 (1) (b) of the statutes is renumbered 20.505 (1) (d).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 5.** 321.42 (1) (b) of the statutes is amended to read:

321.42 (1) (b) The costs and expenses of the defense under par. (a) shall be audited by the department of administration and charged to the appropriation under s. ~~20.455 (1) (b)~~ 20.505 (1) (d). If the jury or court finds that the member against whom the action is brought acted within the scope of his or her employment as a

member, the judgment as to damages entered against the member shall be paid by the state.

**(END)**