

JUSTICE

Settlement Agreements, November 15, 2022

Motion:

Move to approve the five settlement agreements submitted by the Department of Justice (DOJ) to the Joint Committee on Finance (JFC) under s. 165.08. Pursuant to s. 165.10, and in light of the presumption embodied in s. 20.906(1), the JFC believes that the Attorney General must deposit all settlement funds, including attorneys' fees from settlements, into the general fund for general revenue purposes. However, in light of the recent decision in *Wis. State Legislature v. Kaul*, No. 2021-CV-152 (Wis. Cir. Ct. Polk Cnty.) on the meaning of s. 165.10, the JFC approves the proposed plans, notwithstanding the plans' failure to commit all attorneys' fees into the general fund for general revenue purposes. The JFC notes, however, that the decision in *Wisconsin State Legislature v. Kaul* on the meaning of s. 165.10 is currently on appeal. See *Wis. State Legislature v. Kaul*, No. 2022-AP-431 (Wis. Ct. App. notice of appeal filed March 14, 2022). Should the appellants prevail in that ongoing appeal as to the meaning of s. 165.10, the JFC will expect the Attorney General at that time to deposit all attorneys' fees from these settlements into the general fund for general revenue purposes.