

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters: nelsorp1
rkite

Subject: Trade Regulation - other

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1015,

Topic:

Transfer of certain consumer protection functions from DATCP to DOJ

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>
/?	rkite 06/16/2001 nelsorp1 06/17/2001			_____			
/P1	gibsom 06/17/2001	gilfokm 06/17/2001	jfrantze 06/18/2001	_____			
/1	gibsom 06/18/2001	gilfokm 06/18/2001 csicilia 06/18/2001 gilfokm 06/18/2001	haugeca 06/18/2001	_____	lrb docadmin 06/18/2001		
/2			kfollet	_____	gretski		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			06/19/2001	_____	06/19/2001		

FE Sent For:

<END>

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/?	rkite 06/16/2001 nelsorp1 06/17/2001	126/18 KMG	KJ 6/19	KJ/self 6/19			
/P1	gibson	gilfokm	jfrantze				

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/17/2001	06/17/2001	06/18/2001	_____			
/1	gibsom 06/18/2001	gilfokm 06/18/2001	haugeca 06/18/2001	_____	lrb_docadmin 06/18/2001		

FE Sent For:

<END>

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Instructions:

See Attached

01 -
See 3404

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<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?	rkite	1/1-6/17 KMG	6/17	6/18			
FE Sent For:		1-6/18 KMG	11/18/01				<END>

Date: June 8, 2001

Re: Caucus Budget Request

~~6/15~~

Transfer consumer protection functions from DATCP to Justice. (LFB Paper 215). Adopt Motion 1244 (attached).

Huber
CN 1015

DATCP -- TRADE AND CONSUMER PROTECTION

Transfer Consumer Protection Legal Functions from DATCP to DOJ

[In Lieu of Paper #215]

Motion:

Move to delete \$1,589,500 GPR and 28.25 GPR consumer protection positions from DATCP in each fiscal year (0.45 division administrator, 0.30 budget policy supervisor, 0.50 communications specialist, 0.75 bureau director, 9.65 consumer protection investigators, 3.0 investigator supervisors, 5.65 consumer specialists, 0.5 legal secretary, 0.8 program and policy analyst and 6.65 program assistants).

In addition, transfer \$1,057,500 GPR and 15.5 GPR consumer protection positions from DATCP to the Department of Justice (DOJ) in each fiscal year (2.0 attorneys, 1.0 consumer complaint supervisor, 4.0 consumer protection investigators, 1.0 investigator supervisor, 5.5 consumer specialists and 2.0 program assistants).

Further, provide DOJ \$221,200 GPR and 10.50 GPR consumer protection positions in 2001-02 and \$442,400 GPR in 2002-03. (8.5 consumer specialists and 2.0 paralegals).

Transfer all of DATCP's authority and related administrative rules of the following statutory sections to DOJ:

- 100.15 Regulation of trading stamps
- 100.16 Selling with pretense of prize; in-pack chance promotion exception
- 100.17 Guessing contests
- 100.171 Prize notices
- 100.173 Ticket refunds
- 100.174 Mail-order sales regulated
- 100.175 Dating service contracts
- 100.177 Fitness center and weight reduction center contracts
- 100.178 Fitness center staff requirements
- 100.18 Fraudulent representations
- 100.182 Fraudulent drug advertising
- 100.20 Methods of competition and trade practices
- 100.205 Motor vehicle rustproofing warranties

100.207	Telecommunications services
100.209	Cable television subscriber rights
100.2095	Labeling of bedding
100.28	Sale of cleaning agents and water conditioners containing phosphorus
100.31	Unfair discrimination in drug pricing
100.37	Hazardous substances act
100.38	Antifreeze
100.41	Flammable fabrics
100.42	Product safety
100.43	Packaging standards; poison prevention
100.44	Identification and notice of replacement part manufacturer
100.46	Energy consuming products
100.50	Products containing or made with ozone-depleting substances
Chap 136	Future Service Plans
Chap 344	Vehicle Financial Responsibility
Chap 704	Landlord and Tenant
Chap 707	Timeshares
Chap 779	Liens

In addition, transfer DATCP's current authority to file court actions in all other Chapter 100 (Marketing; Trade Practices) sections to DOJ, for example in 100.201 (Unfair Trade Practices in the Dairy Industry), 100.22 (Discrimination in the Purchase of Milk) and 100.235 (Procurement of Vegetable Crops).

Further, require that DOJ, instead of DATCP, be awarded consumer protection assessments on all fines and forfeitures for violations under consumer protection sections or corresponding rules proposed to be transferred to DOJ and that any revenue received from these assessments that exceeds \$85,000 in any fiscal year be deposited to the state's general fund. In addition to other allowable penalties, allow the court to award DOJ the reasonable and necessary costs of investigation and an amount reasonably necessary to remedy the harmful effects of the violation from any person who violates the above consumer protection sections. Require DOJ to deposit in the state treasury for deposit in the general fund all of these monies that the court awards and require 10% of the money deposited in the general fund for the costs of investigation and the expenses of prosecution, including attorney fees, to be credited to a current DOJ investigation and prosecution appropriation.

Transfer the 15.5 staff, assets, liabilities and obligations primarily associated with the transferred consumer protection functions from DATCP to DOJ on the effective date of the bill. Provide that if the agencies were unable to agree on an equitable division, the Joint Committee on Finance would settle the dispute at a meeting of the Committee under s. 13.10. Provide that the incumbent DATCP employees who would be transferred to DOJ would maintain all their civil service and other employee rights held prior to transfer. Further, transfer all tangible personal property, pending matters, contracts and contract responsibilities relating to transferred consumer protection provisions and specify that all rules and orders relating to the transferred consumer protection provisions remain in effect until their specified expiration date or until modified or

rescinded by DOJ.

Note:

The DATCP Consumer Protection Bureau consists of a director and central administrative staff that includes a consumer information center made up of consumer hotline and consumer information staff. The Bureau also operates regional offices in Eau Claire, Green Bay, Madison and Wauwatosa. Staff from DATCP's four regional offices respond to consumer complaints and conduct investigations or other inspection-related work within their geographic areas that may have been received through local consumer complaints or referred from the Department's centrally located toll-free hotline. In addition, regional staff are assigned to certain statewide and national complaint areas. Investigations of complaints that may require further action are initiated by regional staff and then referred to central office staff for formal action. In 2001, the four regional offices have 27.15 staff working on consumer protection issues (62% of DATCP's consumer protection staff).

Under the proposal, DOJ would house 35.3 positions related to consumer protection, as shown in the following table.

Position Titles	Current DATCP	Eliminated DATCP	Transferred to DOJ	Current DOJ	New DOJ	Proposed DOJ
Administrator	0.45	0.45				
Attorney	2.00		2.00	4.80		6.80
Budget Policy Supervisor	0.30	0.30				
Communications Specialist	0.50	0.50				
Consumer Complaint Supervisor	1.00		1.00			1.00
Consumer Protection Bureau Director	0.75	0.75				
Consumer Protection Investigator	13.65	9.65	4.00	2.00		6.00
Consumer Protection Investigator Supervisor	4.00	3.00	1.00			1.00
Consumer Specialist	11.15	5.65	5.50		8.50	14.00
Legal Assistant				0.50		0.50
Legal Secretary	0.50	0.50		1.00		1.00
Paralegal				1.00	2.00	3.00
Program & Planning Analyst	0.80	0.80				
Program Assistant	8.65	6.65	2.00			2.00
Total Consumer Protection Positions	43.75	28.25	15.50	9.30	10.50	35.30

According to DOJ, many of the position reductions would be based on eliminating DATCP's regionalized consumer protection structure. Under the current structure, 27.15 DATCP consumer protection positions (including 7.15 in Madison) are located in regional offices. However, DOJ states they would maintain one investigator each in offices in Eau Claire, Appleton and Milwaukee

to conduct regional investigations.

Under the proposal, all DATCP consumer protection positions would be transferred to DOJ or eliminated. DATCP generally would retain authority and positions related to weights and measures, trade practices (including the minimum mark-up law) and agricultural-related trade provisions. However, the motion also would transfer to DOJ all authority under s. 100.20 of the statutes, which requires business methods of competition and trade practices to be "fair." Under s. 100.20, DATCP currently is provided broad authority to define fair methods and practices, including the authority to: (1) specify, by administrative rule, unfair business methods and practices; and (2) issue special orders enjoining unfair business practices. Under the unfair trade statute, DATCP also regulates many forms of advertising and sales claims. This law is often termed the "Little FTC Act," in reference to its similarity to the Federal Trade Commission Act, on which it was based.

[Change to Base: -\$2,515,400 GPR and -17.75 GPR positions]

[Change to Bill: -\$2,515,400 GPR and -17.75 GPR positions]

2001

Date (time) needed

Due 9 a.m., 8/16
LRB b 1029 P1

AMDT TO BUDGET SUB AMDT 1466, RNY,
2 PPN

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
TO ~~SENATE AMENDMENT~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

LPS:
when typed, search for "NOTAG".

Inserts
107-17
A+B

At the locations indicated, amend the substitute amendment [amendment] as follows:

- ✓ #. Page 107, line 18: delete that line.
- ✓ (INSERT "112-8")
#. Page, line
- ✓ (INSERT 228-3)
- ✓ #. Page 228, line 5 after that line insert: (228-5)
- ✓ #. Page 294, line 2...: before that line insert:
(insert 294-2) ✓
- ✓ #. Page 294, line 5...: after "(3)(b)" insert
- ✓ #. Page 377, line 4...: after that line insert:
(insert 377-4)
- ✓ #. Page 882, line 16...: after that line insert:
(insert 882-16)
- ✓ #. Page 889, line 1...: after that line insert:
(889-1)

AMENDMENTS

AMENDMENT ITEM

#. Page 889, line 3: after that line insert: (insert after "Department" insert "of Justice")

✓ #. Page 889, line 8: after that line insert: (insert 889-8)

1966 #. Page . . . , line . . . : after that line insert: (insert)

✓ #. Page 890, line 16: after that line insert: (insert 890-16)

✓ #. Page 890, line 25: after that line insert: (insert 890-25)

✓ #. Page 898, line 20: after that line insert: (insert 898-20)

✓ #. Page 940, line 10: after that line insert: (insert 940-10)

✓ #. Page 958, line 25: after that line insert: (insert 958-25)

✓ #. Page 959, line 8: delete lines 8 to 14 and substitute: (959-8)

***NOTE: m994A In [rev: 8/28/00 2001amdt/item(fm)]

s. 165.25 (4)(a), I added "100.37, 100.42," from SEC. 2855 of the Budget (Amg)

OK?

(Amg) of the Budget (Amg)

2001

(3)

AMENDMENTS

LRB 102911

AMENDMENT ITEM

✓ #. Page 959, line 24: after that line insert: (insert 959-24)

✓ #. Page 1118, line 21: after that line insert: (insert 1118-21)

✓ #. Page 1182, line 6: after that line insert: (insert 1182-6)

✓ #. Page 1200, line 8: after that line insert: (insert 1200-8)

✓ #. Page 1300, line 12: after that line insert: (insert 1300-12)

✓ #. Page 1382, line 21: after that line insert: (insert 1382-21)

✓ #. Page 1394, line 18: after that line insert: (insert 1394-18)

(End)

~~#. Page, line: after that line insert: (insert)~~

~~#. Page, line: after that line insert: (insert)~~

~~#. Page, line: after that line insert: (insert)~~

Insert 107-17A

(g) Rules and orders. All rules promulgated by the department of agriculture, trade and consumer protection that are in effect on the effective date of this paragraph and that are primarily related to programs or functions that are transferred to the department of justice under this act remain in effect until their specified expiration date or until amended or repealed by the department of justice. All orders issued by the department of agriculture, trade and consumer protection that are in effect on the effective date of this paragraph and that are primarily related to programs or functions transferred to the department of justice under this act remain in effect until their specified expiration date or until modified or rescinded by the department of justice.

1300-12

INSERT 31-A

SECTION 9204. Appropriation changes; agriculture, trade and consumer protection.

(13) ~~to 109~~ TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.15(1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,228,600 for fiscal year 2001-02 and the dollar amount is decreased by \$2,106,100 for fiscal year 2002-03 to decrease funding to reflect the transfer of certain consumer information programs, functions, and enforcement activities to the department of justice and to decrease the authorized FTE positions of the department of agriculture, trade and consumer protection by 37.25 GPR positions related to those consumer information programs, functions, and enforcement activities.

(b) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section

107-17A

1372

accordingly
and adjust the NET APPROPRIATION totals
ALL CAPS

Insert 107-17B

✓ # Page 107, line 17, increase

1 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
 2 increased by \$33,400 for fiscal year 2001-02 and the dollar amount is increased by
 3 \$57,200 for fiscal year 2002-03 to increase funding to increase the authorized FTE GPR
 4 positions of the department of agriculture, trade and consumer protection by 1.0 GPR
 5 position related to the enforcement of chapter 98 of the statutes.

6 (c) In the schedule under section 20.005 (3) of the statutes for the appropriation
 7 to the department of agriculture, trade and consumer protection under section
 8 20.115 (1) (c) of the statutes, as affected by the acts of 2001, the dollar amount is
 9 decreased by \$179,700 for fiscal year 2001-02 and the dollar amount is decreased by
 10 \$308,000 for fiscal year 2002-03 to decrease funding to reflect the transfer of certain
 11 consumer information programs, functions, and enforcement activities to the
 12 department of justice and to decrease the authorized FTE positions of the
 13 department of agriculture, trade and consumer protection by 4.0 GPR positions
 14 related to those consumer information programs, functions, and enforcement
 15 activities and to decrease the authorized FTE positions of the department of
 16 agriculture, trade and consumer protection by 1.0 GPR position related to the
 17 enforcement of chapter 98 of the statutes.

****NOTE: The above paragraph needs to be restructured in the next draft. Section 20.115 (1) (c) is repealed on the effective date of this bill, so there will be no appropriation to decrease.

Insert 112-8

18 (d) In the schedule under section 20.005 (3) of the statutes for the appropriation
 19 to the department of agriculture, trade and consumer protection under section
 20 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
 21 decreased by \$170,500 for fiscal year 2001-02 and the dollar amount is decreased by
 22 \$292,400 for fiscal year 2002-03 to decrease funding to reflect the transfer of certain
 23 consumer information programs, functions, and enforcement activities to the

✓ # Page 112, line 8, decrease

382-2

112-8

1 department of justice and to decrease the authorized FTE positions of the
2 department of agriculture, trade and consumer protection by 2.5 GPR positions
3 related to those consumer information programs, functions, and enforcement
4 activities. *END OF INSERT 112-8*

SECTION 9231. Appropriation changes; justice.

(1) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation

to the department of justice under section 20.455 (1) (a) of the statutes, as affected

by the acts of 2001, the dollar amount is increased by \$765,700 for fiscal year 2001-02,

and the dollar amount is increased by \$1,502,200 for fiscal year 2002-03, to increase

to reflect the transfer of certain consumer information programs, functions,

and enforcement activities from the department of agriculture, trade, and consumer

protection and to increase the authorized FTE positions of the department of justice

by 26.0 GPR positions related to those consumer information programs, functions,

and enforcement activities. *(END OF INSERT 228-3)*

SECTION 9304. Initial applicability; agriculture, trade and consumer protection.

(1) CONSUMER PROTECTION ASSESSMENTS. The treatment of section 100.261 (3)

(b) 1. and 3. of the statutes first applies to violations committed on the effective date of this subsection.

(END)

Insert 228-3

1294-18

(h) ~~Positions decrease~~

Insert 31-A ✓

(F)

(h) Decrease in positions. The authorized FTE

positions for the department of agriculture,

trade and consumer protection, funded

from the appropriation under section 20.115

(1)(c) of the statutes, as affected by this

act, are decreased by 4.0 GPR positions."

nonstat.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 20.115 (1) (c); *to amend* 20.115 (1) (hm), 20.115 (1) (jb), 20.455
2 (1) (title), 93.07 (1), 93.07 (24), 93.18 (3), 93.20 (1), 93.22 (1), 93.22 (2), 100.03
3 (11), 100.06 (4) (d), 100.07 (6), 100.171 (7) (b), 100.171 (8) (intro.), 100.173 (4)
4 (intro.), 100.173 (4) (a), 100.174 (5) (intro.), 100.174 (6), 100.175 (5) (a) (intro.),
5 100.175 (5) (b), 100.175 (7) (a) (intro.), 100.175 (7) (b), 100.178 (1) (b), 100.18 (11)
6 (a), 100.18 (11) (b) 3., 100.18 (11) (c) 1., 100.18 (11) (c) 2., 100.18 (11) (c) 3., 100.18
7 (11) (c) 4., 100.18 (11) (d), 100.18 (11) (e), 100.182 (5) (a), 100.182 (5) (b), 100.20
8 (2) (a), 100.20 (2) (b), 100.20 (3), 100.20 (4), 100.20 (6), 100.201 (6) (d), 100.201
9 (8m) (intro.), 100.201 (9) (b), 100.201 (9) (c), 100.205 (7), 100.205 (8), 100.207
10 (6) (b) 1., 100.207 (6) (b) 2., 100.207 (6) (c), 100.207 (6) (e), 100.207 (6) (em) 1.,
11 100.207 (6) (em) 2., 100.208 (2) (intro.), 100.208 (2) (b), 100.209 (3), 100.209 (4)
12 (b), 100.2095 (6) (b), 100.2095 (6) (c), 100.21 (2) (a), 100.21 (4) (a) (intro.), 100.22
13 (4) (b), 100.235 (11) (a), 100.26 (6), 100.261 (3) (b) 1., 100.263, 100.28 (4) (b),
14 100.28 (4) (c), 100.31 (4), 100.31 (5), 100.38 (5), 100.38 (6), 100.44 (5), 100.46 (1),
15 100.46 (2), 100.50 (6) (b), 100.50 (6) (c), 101.175 (3) (intro.), 136.03 (title), 136.03

INSERTS

1 (1) (intro.), 136.04, 165.065 (2), 165.25 (4) (ar), 344.576 (3) (a) 5., 344.576 (3) (c),
 2 344.579 (2) (intro.), 704.90 (9), 704.90 (11) (title), 704.90 (11) (a), 707.49 (4),
 3 707.57 (2), 707.57 (3), 779.41 (1m), 779.93 (title), 779.93 (1) and 779.93 (2)
 4 (intro.); and **to create** 20.455 (1) (g), 93.07 (23), 93.18 (7), 100.177 (1) (bm),
 5 100.261 (3) (b) 3., 100.261 (3) (b) 4., 100.37 (1) (am), 100.41 (1) (bn), 100.42 (1)
 6 (cm), 100.43 (1) (am) and 165.25 (10) of the statutes; **relating to:** transfer of
 7 certain consumer protection functions, programs, and enforcement activities
 8 from the department of agriculture, trade and consumer protection to the
 9 department of justice and making appropriations.

Analysis by the Legislative Reference Bureau

This draft is being prepared as a base for a proposed amendment to the biennial budget.

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

10 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
 11 the following amounts for the purposes indicated:

		2001-02	2002-03
12			
13	20.455 Justice, department of		
14	(1) LEGAL AND REGULATORY SERVICES		

15	"(g) Consumer ^{protection and consumer} information and		
16	education	PR A	175,000 175,000 "

****NOTE: The amounts in the schedule in s. 20.455 (1) (g) need to be changed when this is converted to a budget amendment.

17 SECTION 2. 20.115 (1) (c) of the statutes is repealed.

18 SECTION 3. 20.115 (1) (hm) of the statutes is amended to read:

1 20.115 (1) (hm) *Ozone-depleting refrigerants and products regulation*. The
 2 amounts in the schedule for administration of the mobile air conditioner servicing
 3 and refrigerant recycling programs and for responsibilities under ss. s. 100.45 and
 4 100.50 relating to sales and labeling of products containing or made with
 5 ozone-depleting substances. All moneys received from fees under s. 100.45 (5) (a)
 (6) 3. and (5m) shall be credited to this appropriation. ~~///~~ ✓

✓
299-2

400 mgg
8

SECTION 4. 20.115 (1) (jb) of the statutes is amended to read:

20.115 (1) (jb) *Consumer information and education*. The amounts in the
 9 schedule for consumer protection information and education. All moneys received
 10 under s. 100.261 (3) (b) 1. shall be credited to this appropriation account. ✓

✓
377-4

11 SECTION 5. 20.455 (1) (title) of the statutes is amended to read:
 762m

20.455 (1) (title) LEGAL AND REGULATORY SERVICES.

13 SECTION 6. 20.455 (1) (g) of the statutes is created to read:
 962r

14 20.455 (1) (g) *Consumer information and education*. The amounts in the
 15 schedule for consumer protection ^{and consumer} information and education. All moneys received
 16 under s. 100.261 (3) (b) 3. shall be credited to this appropriation account. ✓
 subject to the limit under s. 100.261 (3) (b) 4.

17 SECTION 7. 93.07 (1) of the statutes is amended to read:
 2383m

18 93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent
 19 with law, as it may deem necessary for the exercise and discharge of all the powers
 20 and duties of the department, and to adopt such measures and make such
 21 regulations as are necessary and proper for the enforcement by the state of
 22 department to carry out its duties and powers under chs. 93 to 100, which regulations
 23 shall have the force of law.

282-16

24 SECTION 8. 93.07 (23) of the statutes is created to read:
 2383p

1 93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to
 2 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.206, 100.208,
 3 100.21, 100.22, 100.235, 100.265, 100.27, 100.285 to 100.297, 100.30, 100.33 to
 4 100.36, 100.45, 100.47, 100.48, and 100.51 and to enforce ss. 100.206, 100.21, 100.30,
 5 and 100.51.

6 SECTION 9. 93.07 (24) of the statutes is amended to read:

7 93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.
 8 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

9 (a) To enforce the laws administered by the department regarding the
 10 production, manufacture and sale, offering or exposing for sale or having in
 11 possession with intent to sell, of any dairy, food or drug product.

12 (b) To enforce the laws administered by the department regarding the
 13 adulteration or misbranding of any articles of food, drink, condiment or drug.

14 (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article
 15 of food, drink, condiment or drug made or offered for sale within this state which it
 16 may suspect or have reason to believe, under the laws administered by the
 17 department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or
 18 in any way unlawful.

19 (d) To prosecute or cause to be prosecuted, under the laws administered by the
 20 department, any person engaged in the manufacture or sale, offering or exposing for
 21 sale or having in possession with intent to sell, of any adulterated dairy product or
 22 of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles
 23 of food, drink, condiment or drug.

24 SECTION 10. 93.18 (3) of the statutes is amended to read:

22-16

2383 9

m

1 93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41
2 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,
3 product or related material ceased, shall give written notice of its finding to the
4 manufacturer, seller or other person responsible for placing the item in the channels
5 of trade in this state. After such notice no person may sell, remove or otherwise
6 dispose of such item except as directed by the department. Any person affected by
7 such notice may demand a prompt hearing to determine the validity of the
8 department's findings. The hearing, if requested, shall be held as expeditiously as
9 possible but not later than 30 days after notice. A request for hearing does not
10 operate to stay enforcement of the order during the pendency of the hearing. The
11 person petitioning for a hearing shall be entitled to the same rights specified under
12 sub. (2).

13 ^{2387 r}
SECTION 11. 93.18 (7) of the statutes is created to read:

14 93.18 (7) The department of justice shall follow the procedures under subs. (1),
15 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the
16 department of justice.

17 ^{2388 m} (M)
SECTION 12. 93.20 (1) of the statutes is amended to read:

18 93.20 (1) DEFINITION. In this section, "action" means an action that is
19 commenced in court by, or on behalf of, the department of agriculture, trade and
20 consumer protection to enforce chs. 88, 91 to 100 or 127 or an action that is
21 commenced in court by the department of justice to enforce ch. 100.

22 ^{2389 K}
SECTION 13. 93.22 (1) of the statutes is amended to read:

23 93.22 (1) In cases arising under chs. 88 and 93 to 100 99 and ss. 100.206, 100.21,
24 100.30, and 100.51, the department may be represented by its attorney.

25 ^{2389 m}
SECTION 14. 93.22 (2) of the statutes is amended to read:

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1 93.22 (2) The department may, with the approval of the governor, appoint
2 special counsel to prosecute or assist in the prosecution of any case arising under chs.
3 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21, 100.30, and 100.51. The cost of such
4 special counsel shall be charged to the appropriation for the department. "

5 " SECTION ^{2404 → M} 15. 100.03 (11) of the statutes is amended to read:

6 100.03 (11) DEPARTMENT MAY COLLECT PRODUCER CLAIMS. The department may
7 demand and receive payment of claims allowed under sub. (9) on behalf of producers
8 and ~~may commence an action in court to recover allowed claims on behalf of~~
9 ~~producers.~~ Any amounts recovered by the department shall be distributed to
10 represented producer claimants on a proportionate basis, according to the amount
11 of each producer's allowed claim. The department may settle any producer claim
12 with the consent of the producer and may decline to represent a producer who does
13 not agree to a settlement recommended by the department. This subsection does not
14 prohibit any producer from proceeding independently, under sub. (12) or (20), to
15 recover an unpaid claim.

289-1

16 SECTION ^{2405 C} 18. 100.06 (4) (d) of the statutes is amended to read:

17 100.06 (4) (d) The department of justice, upon request of the department of
18 agriculture, trade and consumer protection, may commence an action for the purpose
19 of collecting claims, plus interest, in the circuit court of the county in which the
20 licensed plant is located. Upon receipt of the money to be applied to the satisfaction
21 of such claims plus interest as provided in this section, the department of justice shall
22 make distribution to the claimants in accordance with the order allowing claims plus
23 interest, in full or proportionally, as the case may be.

24 SECTION ^{2405 d} 19. 100.07 (6) of the statutes is amended to read:

2405 AM

1

SECTION ~~22~~. 100.174 (5) (intro.) of the statutes is amended to read:

2 100.174 (5) (intro). The department of justice or any district attorney may on
3 behalf of the state:

2405 N

4

SECTION ~~23~~. 100.174 (6) of the statutes is amended to read:

5 100.174 (6) The department of justice shall investigate violations of and
6 enforce this section.

2405 P

7

SECTION ~~24~~. 100.175 (5) (a) (intro.) of the statutes is amended to read:

8 100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to
9 pay more than \$100 for dating services before the buyer receives or has the
10 opportunity to receive those services unless the person selling dating services
11 establishes proof of financial responsibility by maintaining any of the following
12 commitments approved by the department of justice in an amount not less than
13 \$25,000:

889-1

2405 Q

14

SECTION ~~25~~. 100.175 (5) (b) of the statutes is amended to read:

15 100.175 (5) (b) The commitment described in par. (a) shall be established in
16 favor of or made payable to the state, for the benefit of any buyer who does not receive
17 a refund under the contractual provision described in sub. (3). The person selling
18 dating services shall file with the department of justice any agreement, instrument
19 or other document necessary to enforce the commitment against the person selling
20 dating services or any relevant 3rd party, or both.

2405 R

21

SECTION ~~26~~. 100.175 (7) (a) (intro.) of the statutes is amended to read:

22 100.175 (7) (a) (intro.) The department of justice or any district attorney may
23 on behalf of the state:

2405 PM

24

SECTION ~~27~~. 100.175 (7) (b) of the statutes is amended to read:

1 100.175 (7) (b) The department of justice may bring an action in circuit court
2 to recover on a financial commitment maintained under sub. (5) against a person
3 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does
4 not receive a refund due under the contractual provision described in sub. (3).

5 ^{2405s}
SECTION ~~28~~. 100.177 (1) (bm) of the statutes is created to read:

6 100.177 (1) (bm) Notwithstanding s. 93.01 (3), "department" means the
7 department of justice.

8 ^{2405t}
SECTION ~~29~~. 100.178 (1) (b) of the statutes is amended to read:

9 100.178 (1) (b) Notwithstanding s. 93.01 (3), "department" means the
10 department of ~~health and family services~~ justice.

11 ^{2405u}
SECTION ~~30~~. 100.18 (11) (a) of the statutes is amended to read:

12 100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~
13 justice shall enforce this section. Actions to enjoin violation of this section or any
14 regulations thereunder may be commenced and prosecuted by the department of
15 justice in the name of the state in any court having equity jurisdiction. This remedy
16 is not exclusive.

17 ^{2405 um}
SECTION ~~31~~. 100.18 (11) (b) 3. of the statutes is amended to read:

18 100.18 (11) (b) 3. No action may be commenced under this section more than
19 3 years after the occurrence of the unlawful act or practice which is the subject of the
20 action. No injunction may be issued under this section which would conflict with
21 general or special orders of the department of justice or any statute, rule or
22 regulation of the United States or of this state.

23 ^{2405 wc}
SECTION ~~32~~. 100.18 (11) (c) 1. of the statutes is amended to read:

24 100.18 (11) (c) 1. Whenever the department of justice has reason to believe that
25 a person is in possession, custody or control of any information or documentary

1 material relevant to the enforcement of this section it may require that person to
2 submit a statement or report, under oath or otherwise, as to the facts and
3 circumstances concerning any activity in the course of trade or commerce; examine
4 under oath that person with respect to any activity in the course of trade or
5 commerce; and execute in writing and cause to be served upon such person a civil
6 investigative demand requiring the person to produce any relevant documentary
7 material for inspection and copying.

8 ^{2405 w/e} SECTION ~~33~~. 100.18 (11) (c) 2. of the statutes is amended to read:

9 100.18 (11) (c) 2. The department of justice, in exercising powers under this
10 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in
11 any investigation.

12 ^{2405 w/g} SECTION ~~34~~. 100.18 (11) (c) 3. of the statutes is amended to read:

13 100.18 (11) (c) 3. Service of any notice by the department of justice requiring
14 a person to file a statement or report, or service of a subpoena upon a person, or
15 service of a civil investigative demand shall be made in compliance with the rules of
16 civil procedure of this state.

17 ^{2405 WJ} SECTION ~~35~~. 100.18 (11) (c) 4. of the statutes is amended to read:

18 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
19 comply with any civil investigative demand, or fails to obey any subpoena issued by
20 the department of justice, such person may be coerced as provided in s. 885.12, except
21 that no person shall be required to furnish any testimony or evidence under this
22 subsection which might tend to incriminate the person.

23 ^{2406 m} SECTION ~~36~~. 100.18 (11) (d) of the statutes is amended to read:

24 100.18 (11) (d) The ~~department or the~~ department of justice, ~~after consulting~~
25 ~~with the department,~~ or any district attorney, upon informing the department of of

1 justice, may commence an action in circuit court in the name of the state to restrain
 2 by temporary or permanent injunction any violation of this section. The court may
 3 in its discretion, prior to entry of final judgment, make such orders or judgments as
 4 may be necessary to restore to any person any pecuniary loss suffered because of the
 5 acts or practices involved in the action, provided proof thereof is submitted to the
 6 satisfaction of the court. ~~The department and the department of justice may~~
 7 ~~subpoena persons and require the production of books and other documents, and the~~
 8 ~~department of justice may request the department to exercise its authority under~~
 9 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

10 SECTION ^{2407 d} ~~37~~. 100.18 (11) (e) of the statutes is amended to read:

11 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
 12 section, ~~the department or the department of justice~~ may accept a written assurance
 13 of discontinuance of any act or practice alleged to be a violation of this section from
 14 the person who has engaged in such act or practice. The acceptance of such assurance
 15 by ~~either the department or the department of justice~~ shall be deemed acceptance by
 16 ~~the other state officials enumerated in par. (d)~~ any district attorney if the terms of
 17 the assurance so provide. An assurance entered into pursuant to this section shall
 18 not be considered evidence of a violation of this section, provided that violation of
 19 such an assurance shall be treated as a violation of this section, and shall be
 20 subjected to all the penalties and remedies provided therefor.

21 SECTION ^{2407 e g} ~~38~~. 100.182 (5) (a) of the statutes is amended to read:

22 100.182 (5) (a) Any district attorney, after informing the department of justice,
 23 or the department of justice may seek a temporary or permanent injunction in circuit
 24 court to restrain any violation of this section. Prior to entering a final judgment the
 25 court may award damages to any person suffering monetary loss because of a

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1 violation. The department of justice may subpoena any person or require the
2 production of any document to aid in investigating alleged violations of this section.

3 ^{2407m} SECTION ~~39~~. 100.182 (5) (b) of the statutes is amended to read:

4 100.182 (5) (b) In lieu of instituting or continuing an action under this
5 subsection, the department of justice may accept a written assurance from a violator
6 of this section that the violation has ceased. If the terms of the assurance so provide,
7 its acceptance by the department of justice prevents all district attorneys from
8 prosecuting the violation. An assurance is not evidence of a violation of this section
9 but violation of an assurance is subject to the penalties and remedies of violating this
10 section.

11 ^{2407r} SECTION ~~40~~. 100.20 (2) (a) of the statutes is amended to read:

12 100.20 (2) (a) The department of justice, after public hearing, may issue
13 general orders forbidding methods of competition in business or trade practices in
14 business which are determined by the department of justice to be unfair. The
15 department of justice, after public hearing, may issue general orders prescribing
16 methods of competition in business or trade practices in business which are
17 determined by the department of justice to be fair. ~~to be fair.~~

18 ^{2407rm99} SECTION ~~41~~. 100.20 (2) (b) of the statutes is amended to read:

19 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
20 any order or promulgate any rule that regulates the provision of water or sewer
21 service by a mobile home park operator, as defined in s. 196.01 (3t), or mobile home
22 park contractor, as defined in s. 196.01 (3q), or enforce any rule to the extent that the
23 rule regulates the provision of such water or sewer service. "

24 ^{2408m} SECTION ~~42~~. 100.20 (3) of the statutes is amended to read:

2409-8

1 100.20 (3) The department of justice, after public hearing, may issue a special
2 order against any person, enjoining such person from employing any method of
3 competition in business or trade practice in business which is determined by the
4 department of justice to be unfair or from providing service in violation of sub. (1t).
5 The department of justice, after public hearing, may issue a special order against any
6 person, requiring such person to employ the method of competition in business or
7 trade practice in business which is determined by the department of justice to be fair.

8 ^{2409 b}
SECTION ~~43~~. 100.20 (4) of the statutes is amended to read:

9 100.20 (4) ~~The~~ If the department of justice ~~may file a written complaint with~~
10 ~~the department alleging that the~~ has reason to believe that a person named is
11 employing unfair methods of competition in business or unfair trade practices in
12 business or both. ~~Whenever such a complaint is filed,~~ it shall be the duty of the
13 department of justice to proceed, after proper notice and in accordance with its rules,
14 to the hearing and adjudication of the ~~matters alleged,~~ and a representative of the
15 department ~~of justice designated by the attorney general may appear before the~~
16 department ~~in such proceedings.~~ ~~The department of justice shall be entitled to~~
17 ~~judicial review of the decisions and orders of the department under ch. 227 matter.~~

18 ^{2409 c}
SECTION ~~44~~. 100.20 (6) of the statutes is amended to read:

19 100.20 (6) The department of justice may commence an action in circuit court
20 in the name of the state to restrain by temporary or permanent injunction the
21 violation of any order issued under this section. The court may in its discretion, prior
22 to entry of final judgment make such orders or judgments as may be necessary to
23 restore to any person any pecuniary loss suffered because of the acts or practices
24 involved in the action, provided proof thereof is submitted to the satisfaction of the

1 court. The department of justice may use its authority in ~~ss. 93.14 and 93.15~~ to
2 investigate violations of any order issued under this section.

3 ^{2409d}
SECTION ~~45~~. 100.201 (6) (d) of the statutes is amended to read:

4 100.201 (6) (d) The failure to pay fees under this subsection within the time
5 provided under par. (c) is a violation of this section. The department of justice may
6 also commence an action to recover the amount of any overdue fees plus interest at
7 the rate of 2% per month for each month that the fees are delinquent.

8 ^{2409e}
SECTION ~~46~~. 100.201 (8m) (intro.) of the statutes is amended to read:

9 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
10 acts or omissions which take place in whole or in part outside this state. In any action
11 or administrative proceeding the department of justice has jurisdiction of the person
12 served under s. 801.11 when any act or omission outside this state by the defendant
13 or respondent results in local injury or may have the effect of injuring competition
14 or a competitor in this state or unfairly diverts trade or business from a competitor,
15 if at the time:

16 ^{2409f}
SECTION ~~47~~. 100.201 (9) (b) of the statutes is amended to read:

17 100.201 (9) (b) The department, after public hearing held under s. 93.18, may
18 issue a special order against any person requiring such person to cease and desist
19 from acts, practices or omissions determined by the department to violate this
20 section. Such orders shall be subject to judicial review under ch. 227. Any violation
21 of a special order issued hereunder shall be punishable as a contempt under ch. 785
22 in the manner provided for disobedience of a lawful order of a court, upon the filing
23 of an affidavit by the department of justice of the commission of such violation in any
24 court of record in the county where the violation occurred.

25 ^{2409g}
SECTION ~~48~~. 100.201 (9) (c) of the statutes is amended to read:

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1 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
2 remedies herein provided, may apply to a circuit court for a temporary or permanent
3 injunction to prevent, restrain or enjoin any person from violating this section or any
4 special order of the department of agriculture, trade and consumer protection issued
5 hereunder under this section, without being compelled to allege or prove that an
6 adequate remedy at law does not exist.

7 ^{2409 p}
SECTION ~~49~~ 100.205 (7) of the statutes is amended to read:

8 100.205 (7) The department of justice, or any district attorney on informing the
9 department of justice, may commence an action in circuit court in the name of the
10 state to restrain by temporary or permanent injunction any violation of this section.
11 The court may, before entry of final judgment and after satisfactory proof, make
12 orders or judgments necessary to restore to any person any pecuniary loss suffered
13 because of a violation of this section. The department of justice may conduct
14 hearings, administer oaths, issue subpoenas and take testimony to aid in its
15 investigation of violations of this section.

16 ^{2409 r}
SECTION ~~50~~ 100.205 (8) of the statutes is amended to read:

17 100.205 (8) The department of justice or any district attorney may commence
18 an action in the name of the state to recover a forfeiture to the state of not more than
19 \$10,000 for each violation of this section.

20 ^{2400 m}
SECTION ~~51~~ 100.207 (6) (b) 1. of the statutes is amended to read:

21 100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~
22 ~~department of agriculture, trade and consumer protection,~~ or any district attorney
23 upon informing the department of ~~agriculture, trade and consumer protection~~
24 justice, may commence an action in circuit court in the name of the state to restrain
25 by temporary or permanent injunction any violation of this section. Injunctive relief

1 may include an order directing telecommunications providers, as defined in s. 196.01
 2 (8p), to discontinue telecommunications service provided to a person violating this
 3 section or ch. 196. Before entry of final judgment, the court may make such orders
 4 or judgments as may be necessary to restore to any person any pecuniary loss
 5 suffered because of the acts or practices involved in the action if proof of these acts
 6 or practices is submitted to the satisfaction of the court.

7 ^{2811m} SECTION 52. 100.207 (6) (b) 2. of the statutes is amended to read:

8 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~
 9 ~~to 93.16 and 100.18 (11) (e) to~~ of justice shall administer this section. The department
 10 and the department of justice may subpoena persons and, require the production of
 11 books and other documents, and ~~the department of justice may request the~~
 12 ~~department of agriculture, trade and consumer protection to exercise its authority~~
 13 ~~to aid in the investigation of~~ investigate alleged violations of this section.

14 ^{2812m} SECTION 53. 100.207 (6) (c) of the statutes is amended to read:

15 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
 16 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
 17 paragraph shall be enforced by the department of justice, ~~after consulting with the~~
 18 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the
 19 department of justice, by the district attorney of the county where the violation
 20 occurs.

21 ^{2812g} SECTION 54. 100.207 (6) (e) of the statutes is amended to read:

22 100.207 (6) (e) Subject to par. (em), the department of justice shall promulgate
 23 rules under this section.

24 ^{2813c} SECTION 55. 100.207 (6) (em) 1. of the statutes is amended to read:

1 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
2 department of justice shall form an advisory group to suggest recommendations
3 regarding the content and scope of the proposed rule. The advisory group shall
4 consist of one or more persons who may be affected by the proposed rule, a
5 representative from the department of justice and a representative from the public
6 service commission.

7 ^{2413e}
SECTION 56. 100.207 (6) (em) 2. of the statutes is amended to read:

8 100.207 (6) (em) 2. The department of justice shall submit the
9 recommendations under subd. 1., if any, to the legislature as part of the report
10 required under s. 227.19 (2) and to the board of agriculture, trade and consumer
11 protection.

12 ^{2413g}
SECTION 57. 100.208 (2) (intro.) of the statutes is amended to read:

13 100.208 (2) (intro.) The department of justice shall notify the public service
14 commission if any of the following conditions exists:

15 ^{2413h}
SECTION 58. 100.208 (2) (b) of the statutes is amended to read:

16 100.208 (2) (b) The department of justice has issued an order under s. 100.20
17 (3) prohibiting a telecommunications provider from engaging in an unfair trade
18 practice or method of competition.

19 ^{2413j}
SECTION 59. 100.209 (3) of the statutes is amended to read:

20 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
21 prohibit the department of justice from promulgating a rule or from issuing an order
22 consistent with its authority under this chapter that gives a subscriber greater rights
23 than the rights under sub. (2) or prohibit a city, village or town from enacting an
24 ordinance that gives a subscriber greater rights than the rights under sub. (2).

25 ^{2413k}
SECTION 60. 100.209 (4) (b) of the statutes is amended to read:

1 100.209 (4) (b) The department of justice and the district attorneys of this state
2 have concurrent authority to institute civil proceedings under this section.

3 ^{2413 m}
SECTION ~~61~~. 100.2095 (6) (b) of the statutes is amended to read:

4 100.2095 (6) (b) The department of justice may commence an action in the
5 name of the state to restrain by temporary or permanent injunction a violation of sub.
6 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
7 orders to restore to any person any pecuniary loss suffered by the person because of
8 the violation.

9 ^{2413 n}
SECTION ~~62~~. 100.2095 (6) (c) of the statutes is amended to read:

10 100.2095 (6) (c) The department of justice or any district attorney may
11 commence an action in the name of the state to recover a forfeiture to the state of not
12 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

13 ^{2413 p}
SECTION ~~63~~. 100.21 (2) (a) of the statutes is amended to read:

14 100.21 (2) (a) No person may make an energy savings or safety claim without
15 a reasonable and currently accepted scientific basis for the claim when the claim is
16 made. Making an energy savings or safety claim without a reasonable and currently
17 accepted scientific basis is also an unfair method of competition and trade practice
18 prohibited under s. 100.20.

19 ^{2413 r}
SECTION ~~64~~. 100.21 (4) (a) (intro.) of the statutes is amended to read:

20 100.21 (4) (a) (intro.) The department may, after public hearing, issue general
21 or special orders ~~under s. 100.20~~:

22 ^{2413 z}
SECTION ~~65~~. 100.22 (4) (b) of the statutes is amended to read:

23 100.22 (4) (b) The department of justice may, without alleging or proving that
24 no other adequate remedy at law exists, bring an action to enjoin violations of this

1 section or a special order issued under this section in the circuit court for the county
2 where the alleged violation occurred.

3 SECTION ^{2418 m} 66. 100.235 (11) (a) of the statutes is amended to read:

4 100.235 (11) (a) *Forfeiture*. Any person who violates this section or any rule
5 promulgated or order issued under this section may be required to forfeit not less
6 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~
7 ~~may commence an action to recover a forfeiture under this paragraph.~~

8 SECTION ^{2421 m} 67. 100.26 (6) of the statutes is amended to read:

9 100.26 (6) ~~The department, the department of justice, after consulting with the~~
10 ~~department, or any district attorney may commence an action in the name of the~~
11 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~
12 ~~\$10,000 for each violation of Any person violating an injunction issued under s.~~
13 ~~100.18, 100.182 or 100.20 (6). The department of agriculture, trade and consumer~~
14 ~~protection or any district attorney may commence an action in the name of the state~~
15 ~~to recover a civil is subject to a forfeiture of not less than \$100 nor more than \$10,000~~
16 ~~for each violation. Any person violating an order issued under s. 100.20 is subject~~
17 ~~to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each~~
18 ~~violation of an order issued under s. 100.20.~~

#. Page 890, line 7: after that line insert.

19 " SECTION ^{???} 100.261 (3) (b) 1. of the statutes is amended to read:

LPS: use this for the SEC #. Kg.

20 100.261 (3) (b) 1. The state treasurer shall deposit the assessment amounts
21 imposed for a violation of ch. 98, a rule promulgated under ch. 98, or an ordinance
22 enacted under ch. 98 in the general fund and shall credit them to the appropriation
23 account under s. 20.115 (1) (jb), subject to the limit under subd. 2.

24 SECTION ^{???} 100.261 (3) (b) 3. of the statutes is created to read:

table

1 100.261 (3) (b) 3. The state treasurer shall deposit the assessment amounts
2 imposed for a violation of this chapter, a rule promulgated under this chapter, or an
3 ordinance enacted under this chapter in the general fund and shall credit them to
4 the appropriation account under s. 20.455 (1) (g), subject to the limit under subd. 4.

5 SECTION ~~69~~²²²² 100.261 (3) (b) 4. of the statutes is created to read:

6 100.261 (3) (b) 4. The amount credited to the appropriation account under s.
7 20.455 (1) (g) may not exceed \$85,000 in each fiscal year." *end of 889-8*

8 SECTION ~~71~~^{2428m} 100.263 of the statutes is amended to read:

9 **100.263 Recovery.** In addition to other remedies available under this chapter,
10 the court may award ~~the department~~ the reasonable and necessary costs of
11 investigation and an amount reasonably necessary to remedy the harmful effects of
12 the violation and the court may award ~~the department of justice~~ the reasonable and
13 necessary expenses of prosecution, including attorney fees, from any person who
14 violates this chapter. ~~The department and the department of justice amounts~~
15 awarded under this subsection shall deposit be deposited in the state treasury for
16 deposit in the general fund ~~all moneys that the court awards to the department, the~~
17 ~~department of justice or the state under this section.~~ Ten percent of the money
18 deposited in the general fund that was awarded under this section for the costs of
19 investigation and the expenses of prosecution, including attorney fees, shall be
20 credited to the appropriation account under s. 20.455 (1) (gh).

21 SECTION ~~72~~^{2429a} 100.28 (4) (b) of the statutes is amended to read:

22 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
23 department of justice may seek an injunction restraining any person from violating
24 this section.

25 SECTION ~~73~~^{2429m} 100.28 (4) (c) of the statutes is amended to read:

adbb
end of 889-8

890-16

end of 889-8

1 100.28 (4) (c) The department of justice, or any district attorney upon the
2 request of the department of justice, may commence an action in the name of the
3 state under par. (a) or (b).

4 ^{2430 c}
SECTION ~~74~~. 100.31 (4) of the statutes is amended to read:

5 100.31 (4) PENALTIES. For any violation of this section, the department of
6 justice or a district attorney may commence an action on behalf of the state to recover
7 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each
8 delivery of a drug sold to a purchaser at a price in violation of this section and each
9 separate day in violation of an injunction issued under this section is a separate
10 offense.

11 ^{2430 f}
SECTION ~~75~~. 100.31 (5) of the statutes is amended to read:

12 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
13 may bring an action to enjoin a violation of this section without being compelled to
14 allege or prove that an adequate remedy at law does not exist. An action under this
15 subsection may be commenced and prosecuted by the department of justice or a
16 district attorney, in the name of the state, in a circuit court in the county where the
17 offense occurred or in Dane County, notwithstanding s. 801.50.

18 ^{2430 h}
SECTION ~~76~~. 100.37 (1) (am) of the statutes is created to read:

19 100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
20 department of justice.

21 ^{2432 g}
SECTION ~~77~~. 100.38 (5) of the statutes is amended to read:

22 100.38 (5) INSPECTION. The department of justice shall enforce this section by
23 inspection, chemical analyses or any other appropriate method and the department
24 of justice may promulgate such rules as are necessary to effectively enforce this
25 section.

290-16

2432 j
1 SECTION 78. 100.38 (6) of the statutes is amended to read:

2 100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is
3 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
4 department of justice may bring an action to enjoin violations of this section.

2432 m
5 SECTION 79. 100.41 (1) (bn) of the statutes is created to read:

6 100.41 (1) (bn) Notwithstanding s. 93.01 (3), "department" means the
7 department of justice.

2432 p
8 SECTION 80. 100.42 (1) (cm) of the statutes is created to read:

9 100.42 (1) (cm) Notwithstanding s. 93.01 (3), "department" means the
10 department of justice.

2433 g
11 SECTION 81. 100.43 (1) (am) of the statutes is created to read:

12 100.43 (1) (am) Notwithstanding s. 93.01 (3), "department" means the
13 department of justice.

2433 m
14 SECTION 82. 100.44 (5) of the statutes is amended to read:

15 100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice
16 may, on behalf of the state, bring an action in any court of competent jurisdiction for
17 the recovery of forfeitures authorized under sub. (4), for temporary or permanent
18 injunctive relief and for any other appropriate relief. The court may make any order
19 or judgment that is necessary to restore to any person any pecuniary loss suffered
20 because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the
21 court.

2434 g
22 SECTION 83. 100.46 (1) of the statutes is amended to read:

23 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by
24 rule adopt energy conservation standards for products that have been established in
25 or promulgated under 42 USC 6291 to 6309.

890-16

890-25

2434 i
2434 L

(1)

SECTION 84. 100.46 (2) of the statutes is amended to read:

2 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install
3 or cause to be installed any product that is not in compliance with rules promulgated
4 under sub. (1). In addition to other penalties and enforcement procedures, the
5 department of justice may apply to a court for a temporary or permanent injunction
6 restraining any person from violating a rule adopted under sub. (1).

2434 K

SECTION 85. 100.50 (6) (b) of the statutes is amended to read:

890-25

8 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
9 department of justice may seek an injunction restraining any person from violating
10 this section.

2434 m

SECTION 86. 100.50 (6) (c) of the statutes is amended to read:

12 100.50 (6) (c) The department of justice, or any district attorney upon the
13 request of the department of justice, may commence an action in the name of the
14 state under par. (a) or (b). "

2489 m 2489 m

(15)

SECTION 87. 101.175 (3) (intro.) of the statutes is amended to read:

898-2017

16 101.175 (3) (intro.) The department, in consultation with the department of
17 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality
18 standards for local energy resource systems which do not impede development of
19 innovative systems but which do: "

2828 g 2828 g

(20)

SECTION 88. 136.03 (title) of the statutes is amended to read:

940-10

21 136.03 (title) ~~Duties of the department of agriculture, trade and~~
22 ~~consumer protection~~ justice.

2828 j

(23)

SECTION 89. 136.03 (1) (intro.) of the statutes is amended to read:

24 136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~
25 ~~protection~~ of justice shall investigate violations of this chapter and of rules and

SECTION 89

1 orders issued under s. 136.04. The department of justice may subpoena persons and
2 records to facilitate its investigations, and may enforce compliance with such
3 subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of
4 the state:

2828m

(5) SECTION ~~90~~. 136.04 of the statutes is amended to read:

6 **136.04 Powers of the department of agriculture, ~~trade and consumer~~**
7 **~~protection justice~~.** (1) The department of agriculture, ~~trade and consumer~~
8 ~~protection justice~~ may adopt such rules as may be required to carry out the purposes
9 of this chapter.

10 (2) The department of ~~agriculture, trade and consumer protection justice~~ after
11 public hearing may issue general or special orders to carry out the purposes of this
12 chapter and to determine and prohibit unfair trade practices in business or unfair
13 methods of competition in business pursuant to s. 100.20 (2) to (4).

2854a-3-79 → 79
" SECTION ~~91~~. 165.065 (2) of the statutes is amended to read:

15 165.065 (2) The assistant attorney general in charge of antitrust investigations
16 and prosecutions is to cooperate actively with the antitrust division of the U.S.
17 department of justice in everything that concerns monopolistic practices in
18 Wisconsin, and also to cooperate actively with the department of agriculture, trade
19 and consumer protection in the work which this agency is carrying on under s. 100.20
20 of the marketing law with regard to monopolistic practices in the field of agriculture
21 and with the federal trade commission on matters arising in or affecting Wisconsin
22 which pertain to its jurisdiction.

2855m → b
" SECTION ~~92~~. 165.25 (4) (ar) of the statutes is amended to read:

23 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~
24 ~~required by~~ represent the department of agriculture, trade and consumer protection
25

940-10

✓
958-25

959-8

100.37, 100.42

959-8

1 in any court action relating to the enforcement of ss. ~~100.171, 100.173, 100.174,~~
2 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
3 ~~100.28, 100.50 and 100.51 and chs. 136, 344, 704, 707 and 779~~ 100.01 to 100.03,
4 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.22, 100.235, 100.27,
5 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and 100.48, together with any
6 other services as are necessarily connected to the legal services. "

959-24

" ^{7856g} SECTION ~~93.~~ ⁽¹¹⁾ 165.25 (10) of the statutes is created to read:

8 165.25 (10) CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT.
9 Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095,
10 100.28, 100.31, 100.37 to 100.44, 100.46, and 100.50 and chs. 136, 344, 704, 707 and
11 779. The department may issue general or special orders in administering and
12 enforcing these provisions. "

1118-21

" ^{3427r} SECTION ~~94.~~ 344.576 (3) (a) 5. of the statutes is amended to read:

14 344.576 (3) (a) 5. The address and telephone number of the department of
15 agriculture, trade and consumer protection justice.

^{3427r} SECTION ~~95.~~ 344.576 (3) (c) of the statutes is amended to read:

17 344.576 (3) (c) The department of agriculture, trade and consumer protection
18 justice shall promulgate rules specifying the form of the notice required under par.
19 (a), including the size of the paper and the type size and any highlighting of the
20 information described in par. (a). The rule may specify additional information that
21 must be included in the notice and the precise language that must be used.

^{3427v} SECTION ~~96.~~ ^(3427v) 344.579 (2) (intro.) of the statutes is amended to read:

23 344.579 (2) ENFORCEMENT. (intro.) The department of agriculture, trade and
24 consumer protection justice shall investigate violations of ss. 344.574, 344.576 (1),

1118-21

1 (2) and (3) (a) and (b), 344.577 and 344.578. The department of agriculture, trade
2 ~~and consumer protection justice~~ may on behalf of the state: "

3

" SECTION ^{3769m} 97. 704.90 (9) of the statutes is amended to read:

4 704.90 (9) RULES. The department of agriculture, trade and consumer
5 ~~protection justice~~ may promulgate rules necessary to carry out the purposes of this
6 section.

7

^{3770d} SECTION 98. 704.90 (11) (title) of the statutes is amended to read:

8 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF AGRICULTURE, TRADE AND
9 ~~CONSUMER PROTECTION JUSTICE.~~

10

^{3770f} SECTION 99. 704.90 (11) (a) of the statutes is amended to read:

11 704.90 (11) (a) Except as provided in par. (c), the department of agriculture,
12 ~~trade and consumer protection justice~~ shall investigate alleged violations of this
13 section and rules promulgated under sub. (9). To facilitate its investigations, the
14 department may subpoena persons and records and may enforce compliance with the
15 subpoenas as provided in s. 885.12.

16

^{3770h} SECTION 100. 707.49 (4) of the statutes is amended to read:

17 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
18 escrow account, a developer may obtain a surety bond issued by a company
19 authorized to do business in this state, an irrevocable letter of credit or a similar
20 arrangement, in an amount which at all times is not less than the amount of the
21 deposits otherwise subject to the escrow requirements of this section. The bond,
22 letter of credit or similar arrangement shall be filed with the department of
23 agriculture, trade and consumer protection justice and made payable to the
24 department of agriculture, trade and consumer protection justice for the benefit of
25 aggrieved parties.

1182-6

3770 H

①

SECTION ~~101~~. 707.57 (2) of the statutes is amended to read:

2 707.57 (2) DEPARTMENT OF ~~AGRICULTURE, TRADE AND CONSUMER PROTECTION~~
 3 JUSTICE AUTHORITY. (a) The department of ~~agriculture, trade and consumer~~
 4 ~~protection~~ justice, or any district attorney upon informing the department of
 5 ~~agriculture, trade and consumer protection~~ justice, may commence an action in
 6 circuit court in the name of the state to restrain by temporary or permanent
 7 injunction any violation of this chapter. Before entry of final judgment, the court may
 8 make such orders or judgments as may be necessary to restore to any person any
 9 pecuniary loss suffered because of the acts or practices involved in the action if proof
 10 of these acts or practices is submitted to the satisfaction of the court.

11 (b) The department of ~~agriculture, trade and consumer protection~~ justice may
 12 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its
 13 investigation of violations of this chapter.

1182-6

3770 m

⑭

SECTION ~~102~~. 707.57 (3) of the statutes is amended to read:

15 707.57 (3) PENALTY. Any person who violates this chapter shall be required to
 16 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall
 17 be enforced by action on behalf of the state by the department of ~~agriculture, trade~~
 18 ~~and consumer protection~~ justice or by the district attorney of the county where the
 19 violation occurs.

⑲

3816 25 ⑳

SECTION ~~103~~. 779.41 (1m) of the statutes is amended to read:

21 779.41 (1m) Annually, on January 1, the department of ~~agriculture, trade and~~
 22 ~~consumer protection~~ justice shall adjust the dollar amounts identified under sub. (1)
 23 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
 24 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

1200-2

3816 J

SECTION ~~104~~. 779.93 (title) of the statutes is amended to read:

25

1 **779.93** (title) **Duties of the department of agriculture, trade and**
2 **consumer protection justice.**

3 ^{3816 m}
SECTION ~~105~~. 779.93 (1) of the statutes is amended to read:

4 779.93 (1) The department of ~~agriculture, trade and consumer protection~~
5 justice shall investigate violations of this subchapter and attempts to circumvent
6 this subchapter. The department of ~~agriculture, trade and consumer protection~~
7 justice may subpoena persons and records to facilitate its investigations, and may
8 enforce compliance with such subpoenas as provided in s. 885.12.

9 ^{3816 P}
SECTION ~~106~~. 779.93 (2) (intro.) of the statutes is amended to read:

10 779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~
11 ~~protection justice~~ may ~~in on~~ behalf of the state or ~~in on~~ behalf of any person who holds
12 a prepaid maintenance lien: “,

13 SECTION ~~9104~~. ~~Nonstatutory provisions; agriculture, trade and~~
14 ~~consumer protection.~~

15 “ ~~(A)~~ TRANSFER OF CONSUMER PROTECTION FUNCTIONS

16 ^{4 XV}
(a) *Assets and liabilities.* All assets and liabilities of the department of
17 agriculture, trade and consumer protection that are primarily related to programs
18 or functions transferred to the department of justice under this act shall become the
19 assets and liabilities of the department of justice. The departments of justice and
20 agriculture, trade and consumer protection shall jointly determine these assets and
21 liabilities and shall jointly develop and implement a plan for their orderly transfer.
22 In the event of any disagreement between the departments, the secretary of
23 administration shall decide the question. If either department is dissatisfied with
24 the secretary’s decision, the department may bring the matter to the cochairpersons

1300-12

1 of the joint committee on finance for consideration by the committee, and the
2 committee shall affirm or modify the decision.

3 (b) *Employee transfers.* In the department of agriculture, trade and consumer
4 protection 15.5 FTE positions that are primarily related to programs or functions
5 that are transferred to the department of justice under this act, and the incumbents
6 holding these positions are transferred to the department of justice. The secretary
7 of administration shall determine which incumbents will be transferred. If either
8 department is dissatisfied with the secretary's decision, the department may bring
9 the matter to the cochairpersons of the joint committee on finance for consideration
10 by the committee, and the committee shall affirm or modify the decision.

11 (c) *Employee status.* Employees transferred under paragraph (b) have all the
12 rights and same status under subchapter V of chapter 111 and chapter 230 of the
13 statutes in the department of justice that they enjoyed in the department of
14 agriculture, trade and consumer protection immediately before the transfer.
15 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
16 has attained permanent status in class is required to serve a probationary period.

17 (d) *Supplies and equipment.* All tangible personal property, including records,
18 of the department of agriculture, trade and consumer protection that are primarily
19 related to programs or functions that are transferred to the department of justice
20 under this act are transferred to the department of justice. The departments of
21 justice and agriculture, trade and consumer protection shall jointly identify the
22 tangible personal property, including records, and shall jointly develop and
23 implement a plan for their orderly transfer. In the event of any disagreement
24 between the departments, the secretary of administration shall decide the question.
25 If either department is dissatisfied with the secretary's decision, the department

1300-12

SECTION 9104

1 may bring the matter to the cochairpersons of the joint committee on finance for
2 consideration by the committee, and the committee shall affirm or modify the
3 decision.

4 (e) *Pending matters.* Any matter pending with the department of agriculture,
5 trade and consumer protection that is primarily related to a program or function that
6 is transferred to the department of justice under this act is transferred to the
7 department of justice. All materials submitted or actions taken by the department
8 of agriculture, trade and consumer protection with respect to the pending matter are
9 considered as having been submitted to or taken by the department of justice.

10 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
11 and consumer protection or the department of justice that are primarily related to
12 programs or functions transferred to the department of justice under this act, and
13 that are in effect on the effective date of this paragraph, remain in effect and those
14 contracts entered into by the department of agriculture, trade and consumer
15 protection are transferred to the department of justice. The departments of justice
16 and agriculture, trade and consumer protection shall jointly identify these contracts
17 and shall jointly develop and implement a plan for their orderly transfer. In the event
18 of any disagreement between the departments, the secretary of administration shall
19 decide the question. If either department is dissatisfied with the secretary's decision,
20 the department may bring the matter to the cochairpersons of the joint committee
21 on finance for consideration by the committee, and the committee shall affirm or
22 modify the decision. The department of justice shall carry out the obligations under
23 these contracts until the obligations are modified or rescinded by the department of
24 justice to the extent allowed under the contract.

1300-12

1300-12

(g) *Rules and orders.* All rules promulgated by the department of agriculture, trade and consumer protection that are in effect on the effective date of this paragraph and that are primarily related to programs or functions that are transferred to the department of justice under this act remain in effect until their specified expiration date or until amended or repealed by the department of justice. All orders issued by the department of agriculture, trade and consumer protection that are in effect on the effective date of this paragraph and that are primarily related to programs or functions transferred to the department of justice under this act remain in effect until their specified expiration date or until modified or rescinded by the department of justice.

INSERT 31-A ← LPS: Add this here

~~SECTION 9204. Appropriation changes; agriculture, trade and consumer protection.~~

1311

~~(A) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS.~~

~~(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,228,600 for fiscal year 2001-02 and the dollar amount is decreased by \$2,106,100 for fiscal year 2002-03 to decrease funding to reflect the transfer of certain consumer information programs, functions, and enforcement activities to the department of justice and to decrease the authorized FTE positions of the department of agriculture, trade and consumer protection by 37.25 GPR positions related to those consumer information programs, functions, and enforcement activities.~~

(b) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section

SECTION 9204

1 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
 2 increased by \$33,400 for fiscal year 2001-02 and the dollar amount is increased by
 3 \$57,200 for fiscal year 2002-03 to ^{transfer} increase funding to ^{for 1.0} increase the authorized FTE GPR
 4 positions of the department of agriculture, trade and consumer protection by 1.0 GPR
 5 ^{ratio} position related to the enforcement of chapter 98 of the statutes.

6 (c) In the schedule under section 20.005 (3) of the statutes for the appropriation
 7 to the department of agriculture, trade and consumer protection under section
 8 20.115 (1) (c) of the statutes, as affected by the acts of 2001, the dollar amount is
 9 decreased by \$179,700 for fiscal year 2001-02 and the dollar amount is decreased by
 10 \$308,000 for fiscal year 2002-03 to decrease funding to reflect the transfer of certain
 11 consumer information programs, functions, and enforcement activities to the
 12 department of justice and to decrease the authorized FTE positions of the
 13 department of agriculture, trade and consumer protection by 4.0 GPR positions
 14 related to those consumer information programs, functions, and enforcement
 15 activities and to decrease the authorized FTE positions of the department of
 16 agriculture, trade and consumer protection by 1.0 GPR position related to the
 17 enforcement of chapter 98 of the statutes.

***NOTE: The above paragraph needs to be restructured in the next draft. Section 20.115 (1) (c) is repealed on the effective date of this bill, so there will be no appropriation to decrease.

18 (d) In the schedule under section 20.005 (3) of the statutes for the appropriation
 19 to the department of agriculture, trade and consumer protection under section
 20 20.115 (8) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
 21 decreased by \$170,500 for fiscal year 2001-02 and the dollar amount is decreased by
 22 \$292,400 for fiscal year 2002-03 to decrease funding to reflect the transfer of certain
 23 consumer information programs, functions, and enforcement activities to the

1387

1 department of justice and to decrease the authorized FTE positions of the
2 department of agriculture, trade and consumer protection by 2.5 GPR positions
3 related to those consumer information programs, functions, and enforcement
4 activities.

5 **SECTION 9231. Appropriation changes; justice.**

6 (1) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS.

7 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
8 to the department of justice under section 20.455 (1) (a) of the statutes, as affected
9 by the acts of 2001, the dollar amount is increased by \$765,700 for fiscal year 2001-02
10 and the dollar amount is increased by \$1,502,200 for fiscal year 2002-03 to increase
11 funding to reflect the transfer of certain consumer information programs, functions,
12 and enforcement activities from the department of agriculture, trade, and consumer
13 protection and to increase the authorized FTE positions of the department of justice
14 by 26.0 GPR positions related to those consumer information programs, functions,
15 and enforcement activities.

16 **SECTION 9304. Initial applicability; agriculture, trade and consumer**
17 **protection.**

18 (b) CONSUMER PROTECTION ASSESSMENTS. The treatment of section 100.261 (3)
19 (b) 1. and 3. of the statutes first applies to violations committed on the effective date
20 of this subsection.

1794-18

21 ~~(b)(1)~~
NOTE: AA MGG AA s. 100.261(3)(b)
1. is treated in this amdt. and
in the bill. How does this
init. app. affect that
other treatment? (Kmg)

Nelson, Robert P.

From: Burkert-Brist, Monica A.
Sent: Monday, June 18, 2001 3:27 PM
To: Nelson, Robert P.
Cc: Gibson-Glass, Mary
Subject: RE: Transfer from DATCP to DOJ

Importance: High

Please see the attached answers to the drafter's questions:

✓ Questions 1 and 2: Iave DATCP authority related to drugs (needed for farm animal purposes) and the Ag secretary designate on the Controlled Substances Board. *I did this*

✓ Question 3: 100.03 and 100.06 should be treated in a parallel fashion: both involve enforcement to protect agricultural producers---either leave DATCP with circuit court authority in both cases, or remove that authority in both sections, leaving DATCP with authority to negotiate settlement pre-filing of court actions, but then requiring cases to be filed by DOJ. You appeared to have no DOJ enforcement section for 100.03 and no DATCP settlement section for 100.06.

✓ Question 4: Yes, DOJ wants to have administration of 100.178.

✓ Question 5: This is fine.

✓ Question 6: Yes, section 101.175 (3) is drafted as we intended.

✓ Question 7: Yes, please amend 134.71 (12) to require DATCP consultation with DOJ re: pawnbroker forms.

Question 8: No need to add a division administrator to DOJ---this will be part of our existing legal services division. You may need to delete one from DATCP, however.

✓ Question 9: Nonstatutory language re: transfers of obligations is fine. *No - only 195 left + still div. of trade*

Thanks. Hope this is still helpful to you.

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

From: Nelson, Robert P.
Sent: Monday, June 18, 2001 9:28 AM
To: Burkert-Brist, Monica A.
Cc: Gibson-Glass, Mary
Subject: RE: Transfer from DATCP to DOJ

We have very little time and many other items to worry about, so make your changes quick and short. Today is the last chance, and only if done by early afternoon.

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

From: Burkert-Brist, Monica A.
Sent: Monday, June 18, 2001 9:20 AM
To: Gibson-Glass, Mary; Burnett, Douglas; Weix, Branda; Schug, David
Cc: Kite, Robin; Nelson, Robert P.
Subject: RE: Transfer from DATCP to DOJ

PLEASE NOTE: I JUST RECEIVED YOUR EMAIL TODAY BECAUSE I WAS OUT OF THE OFFICE LAST WEEK. WE WILL REVIEW ASAP AND LET YOU KNOW IF WE SEE ANY PROBLEMS. THANKS.

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

From: Gibson-Glass, Mary
Sent: Thursday, June 14, 2001 1:31 PM
To: Burnett, Douglas; Weix, Branda; Schug, David; Burkert-Brist, Monica A.
Cc: Kite, Robin; Nelson, Robert P.
Subject: Transfer from DATCP to DOJ

<< File: 01-3404/P2 >> << File: 01-3404/P2dn >>

In order to making redrafting go as quickly and as efficiently as possible, please designate one person among you to give redrafting instructions on the entire draft except for the appropriation language changes in the front and the back of the bill that we already know about. See my drafter's note and the **** note in the text of the bill. I will be discussing those with David. Please let Robin, Bob and me know whom you have designated.

If you have any redraft instructions today, please call me. Tomorrow, you should call Bob Nelson at 77511.

Thanks,

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
267 3215