

**1999 DRAFTING REQUEST****Assembly Amendment (AA-ASA(LRBs0004/1)-AB51)**Received: **01/22/99**Received By: **nelsorp1**Wanted: **Soon**

Identical to LRB:

For: **James Kreuser (608) 266-5504**

By/Representing:

This file may be shown to any legislator: **NO**Drafter: **nelsorp1**

May Contact:

Alt. Drafters: **rkite**Subject: **Courts - miscellaneous  
Trade Regulation**

Extra Copies:

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**Topic:**

Regulation of year 2000 readiness disclosure statements

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**Instructions:**

See 99a0030

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**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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/2	nelsorp1 01/26/99	jgeller 01/26/99	ismith 01/26/99	_____	lrb_docadmin 01/26/99	lrb_docadmin 01/26/99	

FE Sent For:

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1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA<sup>1</sup>LRBs00041<sup>1</sup>-AB51)

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/1	nelsorp1 01/22/99	jgeller 01/22/99	jfrantze 01/24/99	_____	lrb_docadmin 01/25/99	lrb_docadmin 01/25/99	

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1/26/99*

FE Sent For:

<END>

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**Topic:**

Regulation of year 2000 readiness disclosure statements

**Instructions:**

See 99a0030

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/1	nelsorp1	1/22 JLG	1/24	JPH			

FE Sent For:

<END>

# 1999 DRAFTING REQUEST

Date Received: 1/22/99 For: Krueger  
 Received By: Kuewejt By: Nancy Krifka  
 Drafter: Kiterm Tel: 6-5504  
 Other Drafters: Welsorpi

**Topic** AA to ASub 1 to  
AB-SI

**Subject(s)**  
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**Instructions:** (See attached)  
Per LRB 9003011  
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**May Contact**  
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<input type="radio"/> ASub SSub		
<ul style="list-style-type: none"> <li>• To AAmdt SAMdt _____</li> <li>• To AAmdt SAMdt _____</li> <li>• To ASub SSub <u>1</u></li> <li>• To AB SB <u>51</u></li> <li>• To AJR SJR _____</li> <li>• To ARes SRes _____</li> </ul>		

**Extra Copies**  
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<input type="radio"/> As Time Permits	
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**Version**  
 P  IP  I

- May be shown to any legislator
  - Direct to WPO
  - Paper Material Attached
- Identical to LRB: \_\_\_\_\_

**Attorney Log**  
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1/25 4/12

1999 - 2000 LEGISLATURE

43  
LRBa000/1  
RNK&RPN:jlg:hmh  
↑  
stays

ASSEMBLY AMENDMENT,  
TO ASA (LRB 0004/1)  
TO 1999 ASSEMBLY BILL 51

substitute amendment

1 At the locations indicated, amend the ~~BM~~<sup>AM</sup> as follows:

2 **1.** Page ~~2~~<sup>1</sup>, line ~~1~~<sup>12</sup>: after "problems;" insert "untrue, deceptive or misleading  
3 statements in connection with the ability of an electronic computing device to  
4 process, transmit or receive data from, into and between the 20th and 21st  
5 centuries, and during the years 1999 and 2000, and from leap year calculations;"

6 **2.** Page ~~2~~<sup>1</sup>, line ~~2~~<sup>13</sup>: after "authority;" insert "making an appropriation;"

7 **3.** Page ~~8~~<sup>5</sup>, line ~~4~~<sup>10</sup>: after that line insert:

8 "SECTION 5g. 20.005 (3) (schedule) of the statutes: at the appropriate place,  
9 insert the following amounts for the purposes indicated:

1997-98      1998-99

**20.115 Agriculture, trade and consumer protection, department of**

(1) FOOD SAFETY AND CONSUMER PROTECTION

(d) Year 2000 consumer protection      GPR      C      -0-      410,700

**SECTION 5m.** 20.115 (1) (d) of the statutes is created to read:

20.115 (1) (d) *Year 2000 consumer protection*. As a continuing appropriation, the amounts in the schedule for the administration and enforcement of s. 100.261 and other consumer protection activities relating to the year 2000 readiness of electronic computing devices.

**SECTION 5s.** 20.115 (1) (d) of the statutes, as created by 1999 Wisconsin Act ... (this act), is repealed." ✓

4. Page <sup>5</sup>8, line <sup>12</sup>6: after that line insert:

**"SECTION 6m.** 100.261 of the statutes is created to read:

**100.261 Year 2000 readiness.** (1) DEFINITIONS. In this section:

(a) "Electronic computing device" means any computer hardware or software, computer chip, embedded chip, process control equipment, or other information system used to capture, store, manipulate, or process information, or that controls, monitors, or assists in the operation of physical apparatus that relies on automation or digital technology to function.

(b) "Process" includes calculate, compare, sequence, display and store.

(c) "Year 2000 readiness" means the ability to process, transmit or receive date data from, into and between the 20th and 21st centuries, and during the years 1999 and 2000, and from leap year calculations.

1           (2) ADVERTISING AND SALES REPRESENTATIONS. A person may not make any  
2 statement or representation with regard to the year 2000 readiness of an electronic  
3 computing device which is false, misleading or deceptive, or which omits material  
4 information with respect to the year 2000 readiness of an electronic computing  
5 device that is necessary to make the statement not false, misleading or deceptive.  
6 For the purpose of this subsection, it is false, misleading or deceptive to state or  
7 represent that an electronic computing device is able to process, transmit or receive  
8 date data from, into and between the 20th and 21st centuries and during the years  
9 1999 and 2000, and from leap year calculations if the electronic computing device  
10 cannot do so without modification or alteration.

11           (3) INFORMATION ON YEAR 2000 READINESS. The department may request  
12 information about the year 2000 readiness of an electronic computing device from  
13 any person who sells or offers to sell or who has ever sold or offered to sell an  
14 electronic computing device to a person in this state.

15           (4) REMEDIES AND PENALTIES. (a) 1. If a person makes a statement or  
16 representation in violation of sub. (2), any other person adversely affected by that  
17 violation has a claim for appropriate relief, including not less than \$500 nor more  
18 than twice the amount of damages, injunctive or declaratory relief, specific  
19 performance and rescission.

20           2. If a person fails to respond to an information request about the year 2000  
21 readiness of an electronic computing device by the department under sub. (3) or if the  
22 person provides information to the department in response to a request about the  
23 year 2000 readiness of an electronic computing device under sub. (3) that is false,  
24 misleading or deceptive, then any person adversely affected by the failure of that  
25 electronic computing device to process, transmit or receive date data from, into and

1 between the 20th and 21st centuries and during the years 1999 and 2000, and from  
2 leap year calculations has a claim for appropriate relief, including not less than \$500  
3 nor more than twice the amount of damages, injunctive or declaratory relief, specific  
4 performance and rescission against the person who failed to respond to the  
5 department's request or gave the department false, misleading or deceptive  
6 information.

7 3. A person who is entitled to relief under subd. 1. or 2. is also entitled to recover  
8 costs and disbursements, including reasonable attorney fees.

9 (b) 1. The department of agriculture, trade and consumer protection may  
10 request the department of justice to commence, or any district attorney, upon  
11 informing the department of agriculture, trade and consumer protection, may  
12 commence, an action in circuit court in the name of the state to restrain by temporary  
13 or permanent injunction any violation of sub. (2). In addition to injunctive relief, the  
14 court may award any person twice the amount of any damages suffered because of  
15 a violation of sub. (2).

16 2. The department may exercise its authority under ss. 93.14 to 93.16 and  
17 100.18 (11)(c) to administer this section. The department may subpoena persons and  
18 require the production of books and other documents in a timely manner.

19 (c) Any person who violates sub. (2) or who fails to respond to an information  
20 request made by the department under sub. (3) or who provides information to the  
21 department in response to a request made under sub. (3) that is false, misleading or  
22 deceptive shall forfeit not less than \$100 nor more than \$10,000 for each offense.

23 (d) This section does not preempt the administration or enforcement of this  
24 chapter or ch. 133. Practices in violation of this section may also constitute unfair



1 methods of competition or unfair trade practices under s. 100.20 (1) or (1t) or  
2 fraudulent representations under s. 100.18 (1) or violate ch. 133.” ✓

3 **5.** Page ~~11~~<sup>8</sup>, line ~~16~~<sup>13</sup>: after that line insert:

4 “SECTION ~~11~~<sup>10</sup>m. 814.04 (intro.) of the statutes is amended to read:

5 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),  
6 106.04 (6) (i) and (6m) (a), 100.261 (4) (a) 3., 115.80 (9), 769.313, 814.025, 814.245,  
7 895.035 (4), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2)  
8 (d) and 943.51 (2) (b), when allowed, costs shall be as follows:” ✓

9 **6.** Page ~~16~~<sup>13</sup>, line ~~16~~<sup>18</sup>: after that line insert:

10 “(3m) YEAR 2000 READINESS REGULATION. The authorized FTE positions for the  
11 department of agriculture, trade and consumer protection are increased by 4.0 GPR  
12 project positions, to be funded from the appropriation under section 20.115 (1) (d) of  
13 the statutes, as created by this act, for the purpose of administering and enforcing  
14 section 100.261 of the statutes, as created by this act, and other consumer protection  
15 activities relating to the year 2000 readiness, as defined in section 100.261 (1) (c) of  
16 the statutes, as created by this act, of an electronic computing device, as defined in  
17 section 100.261 (1) (a) of the statutes, as created by this act for the period ending on  
18 June 30, 2001.”

19 **7.** Page ~~17~~<sup>14</sup>, line ~~5~~<sup>7</sup>: after that line insert:

20 “(2m) The repeal of section 20.115 (1) (d) of the statutes takes effect on July 1,  
21 2001.” ✓

22 (END)



now  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0043/1  
RKN&RPN;jlg:jf

WPO - Fix request  
sheet

ASSEMBLY AMENDMENT , 1  
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0004/1),  
TO 1999 ASSEMBLY BILL 51

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1, line 12: after "problems;" insert "untrue, deceptive or misleading  
3 statements in connection with the ability of an electronic computing device to  
4 process, transmit or receive data from, into and between the 20th and 21st  
5 centuries, and during the years 1999 and 2000, and from leap year calculations;"

6 2. Page 1, line 13: after "authority;" insert "making an appropriation;"

7 3. Page 5, line 10: after that line insert:

8 "SECTION 5g. 20.005 (3) (schedule) of the statutes: at the appropriate place,  
9 insert the following amounts for the purposes indicated.

1997-98

1998-99

**20.115 Agriculture, trade and consumer protection, department of**

(1) FOOD SAFETY AND CONSUMER PROTECTION

(d) Year 2000 consumer protection GPR C -0- 410,700

**SECTION 5m.** 20.115 (1) (d) of the statutes is created to read:

20.115 (1) (d) *Year 2000 consumer protection.* As a continuing appropriation, the amounts in the schedule for the administration and enforcement of s. 100.261 and other consumer protection activities relating to the year 2000 readiness of electronic computing devices.

**SECTION 5s.** 20.115 (1) (d) of the statutes, as created by 1999 Wisconsin Act ... (this act), is repealed.”.

**4.** Page 5, line 12: after that line insert:

**SECTION 6m.** 100.261 of the statutes is created to read:

**100.261 Year 2000 readiness.** (1) DEFINITIONS. In this section:

(a) “Electronic computing device” means any computer hardware or software, computer chip, embedded chip, process control equipment, or other information system used to capture, store, manipulate, or process information, or that controls, monitors, or assists in the operation of physical apparatus that relies on automation or digital technology to function.

(b) “Process” includes calculate, compare, sequence, display and store.

(c) “Year 2000 readiness” means the ability to process, transmit or receive date data from, into and between the 20th and 21st centuries, and during the years 1999 and 2000, and from leap year calculations.

1           **(2) ADVERTISING AND SALES REPRESENTATIONS.** A person may not make any  
2 statement or representation with regard to the year 2000 readiness of an electronic  
3 computing device which is false, misleading or deceptive, or which omits material  
4 information with respect to the year 2000 readiness of an electronic computing  
5 device that is necessary to make the statement not false, misleading or deceptive.  
6 For the purpose of this subsection, it is false, misleading or deceptive to state or  
7 represent that an electronic computing device is able to process, transmit or receive  
8 date data from, into and between the 20th and 21st centuries and during the years  
9 1999 and 2000, and from leap year calculations if the electronic computing device  
10 cannot do so without modification or alteration.

11           **(3) INFORMATION ON YEAR 2000 READINESS.** The department may request  
12 information about the year 2000 readiness of an electronic computing device from  
13 any person who sells or offers to sell or who has ever sold or offered to sell an  
14 electronic computing device to a person in this state.

15           **(4) REMEDIES AND PENALTIES.** (a) 1. If a person makes a statement or  
16 representation in violation of sub. (2), any other person adversely affected by that  
17 violation has a claim for appropriate relief, including not less than \$500 nor more  
18 than twice the amount of damages, injunctive or declaratory relief, specific  
19 performance and rescission.

20           2. If a person fails to respond to an information request about the year 2000  
21 readiness of an electronic computing device by the department under sub. (3) or if the  
22 person provides information to the department in response to a request about the  
23 year 2000 readiness of an electronic computing device under sub. (3) that is false,  
24 misleading or deceptive, then any person adversely affected by the failure of that  
25 electronic computing device to process, transmit or receive date data from, into and

1 between the 20th and 21st centuries and during the years 1999 and 2000, and from  
2 leap year calculations has a claim for appropriate relief, including not less than \$500  
3 nor more than twice the amount of damages, injunctive or declaratory relief, specific  
4 performance and rescission against the person who failed to respond to the  
5 department's request or gave the department false, misleading or deceptive  
6 information.

7 3. A person who is entitled to relief under subd. 1. or 2. is also entitled to recover  
8 costs and disbursements, including reasonable attorney fees.

9 (b) 1. The department of agriculture, trade and consumer protection may  
10 request the department of justice to commence, or any district attorney, upon  
11 informing the department of agriculture, trade and consumer protection, may  
12 commence, an action in circuit court in the name of the state to restrain by temporary  
13 or permanent injunction any violation of sub. (2). In addition to injunctive relief, the  
14 court may award any person twice the amount of any damages suffered because of  
15 a violation of sub. (2).

16 2. The department may exercise its authority under ss. 93.14 to 93.16 and  
17 100.18(11)(c) to administer this section. The department may subpoena persons and  
18 require the production of books and other documents in a timely manner.

19 (c) Any person who violates sub. (2) or who fails to respond to an information  
20 request made by the department under sub. (3) or who provides information to the  
21 department in response to a request made under sub. (3) that is false, misleading or  
22 deceptive shall forfeit not less than \$100 nor more than \$10,000 for each offense.

23 (d) This section does not preempt the administration or enforcement of this  
24 chapter or ch. 133. Practices in violation of this section may also constitute unfair

1 methods of competition or unfair trade practices under s. 100.20 (1) or (1t) or  
2 fraudulent representations under s. 100.18 (1) or violate ch. 133.”.

3 **5.** Page 8, line 13: after that line insert:

4 “**SECTION 10m.** 814.04 (intro.) of the statutes is amended to read:

5 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),  
6 106.04 (6) (i) and (6m) (a), 100.261 (4) (a) 3., 115.80 (9), 769.313, 814.025, 814.245,  
7 895.035 (4), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2)  
8 (d) and 943.51 (2) (b), when allowed, costs shall be as follows.”.

9 **6.** Page 13, line 18: after that line insert:

10 ~~“(3m) YEAR 2000 READINESS REGULATION. The authorized FTE positions for the~~  
11 ~~department of agriculture, trade and consumer protection are increased by 4.0 GPR~~  
12 ~~project positions, to be funded from the appropriation under section 20.115 (1) (d) of~~  
13 ~~the statutes, as created by this act, for the purpose of administering and enforcing~~  
14 ~~section 100.261 of the statutes, as created by this act, and other consumer protection~~  
15 ~~activities relating to the year 2000 readiness, as defined in section 100.261 (1) (c) of~~  
16 ~~the statutes, as created by this act, of an electronic computing device, as defined in~~  
17 ~~section 100.261 (1) (a) of the statutes, as created by this act for the period ending on~~  
18 ~~June 30, 2001.”.~~

19 **7.** Page 14, line 7: after that line insert:

20 ~~“(2m) The repeal of section 20.115 (1) (d) of the statutes takes effect on July 1,~~  
21 ~~2001.”.~~

22 (END) ✓