

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-AA1-ASA1-AB1)

Received: **03/14/2002**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing:

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

Drafter: **gibsom**

May Contact:

Addl. Drafters: **rkite**

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Transfer of 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>
/1	gibsom 03/14/2002	gilfokm 03/14/2002	rschluet 03/14/2002	_____	lrb_docadmin 03/14/2002	lrb_docadmin 03/14/2002	

FE Sent For:

<END>

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1?	gibsom	3/14 Kong		 3-14-02			

FE Sent For:

<END>

DATCP

DOJ
↑ 26

↓

28.25
16.5

43.75

AGRICULTURE, TRADE AND CONSUMER PROTECTION AND JUSTICE

Transfer Consumer Protection Functions from DATCP to DOJ

Motion:

DATCP
↓

Move to delete \$1,524,700 GPR and 28.25 GPR consumer protection positions from DATCP in 2002-03 (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 2002-03 (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 \$442,400 GPR and 10.5 GPR consumer protection positions in 2002-03. (8.5 consumer specialists and 2.0 paralegals).

On July 1, 2002, 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
100.3 1	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, beginning July 1, 2002, 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 \$185,000 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 July 1, 2002. 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.



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

NOW

Blades
package
RMK
LRBb2618A 1
MGG/RNK: /...
mg

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

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

1. Page 300, line 17: after that line insert:

No (B) fix
font size
fr 2:3

286m. Page 352, line 18: after that line insert:

4 "(B) CONSUMER PROTECTION TRANSFER. The legislative reference bureau shall
5 prepare legislation authorizing the transfer of consumer protection programs,
6 functions, and enforcement activities under sections 100.15, 100.16, 100.17, 100.171,
7 100.173, 100.174, 100.175, 100.177, 100.178, 100.18, 100.182, 100.20, 100.205,
8 100.207, 100.209, 100.2095, 100.28, 100.31, 100.37, 100.38, 100.41, 100.42, 100.43,
9 100.44, 100.46, 100.50, and chapters 136, 344, 704, 707, and 779 of the statutes from
10 the department of agriculture, trade and consumer protection to the department of

const.

1 justice, based on instructions provided by the department of justice. The final
2 instructions for this legislation shall be submitted to the legislative reference bureau
3 by the department of justice no later than June 1, 2002.".

4 ✓ 2. Page 323, line 6: after that line insert:

5 ✓ ~~325m.~~ Page 376, line 8: after that line insert:

6 (1) CONSUMER PROTECTION TRANSFER. In the schedule under section 20.005 (3)
7 of the statutes for the appropriation to the department of agriculture, trade and
8 consumer protection under section 20.115 (1) (a) of the statutes, as affected by the
9 acts of 2001, the dollar amount is decreased by \$2,582,200 for fiscal year 2002-03
10 to reflect the transfer of certain consumer protection programs, functions, and
11 enforcement activities to the department of justice and to decrease the authorized
12 FTE positions ^{for} of the department of agriculture, trade and consumer protection by
13 43.75 GPR positions related to those consumer protection programs, functions, and
14 enforcement activities.) .) .

15 ✓ 3. Page 326, line 5: after that line insert:

16 ✓ ~~349m.~~ Page 399, line 8: after that line insert:

17 (1) CONSUMER PROTECTION TRANSFER. In the schedule under section 20.005 (3)
18 of the statutes for the appropriation to the department of justice under section 20.455 ✓
19 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased
20 by \$1,499,900 for fiscal year 2002-03 to reflect the transfer of certain consumer
21 protection programs, functions, and enforcement activities from the department of
22 agriculture, trade and consumer protection ~~justice~~ and to increase the authorized

2052
6

appropriation change

3162

appropriation change
22

*for the 3-
Department
of*

1 FTE positions ~~of~~ justice by 26, GPR positions related to those consumer protection
2 programs, functions, and enforcement activities."".

3 (END)

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2618/1dn

MGG

ting

Representative Black:

This is the consumer protection transfer draft that you requested as part of your package for your superamendment.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

*proposed treatment
of S.100.263*

Due to time constraints, and the small amount of money involved, we could not ~~do~~ include the ~~it~~ in this draft ¹/₂ (which is described on p. 2 of the LFB motion in the 2nd full paragraph).

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2618/1dn
MGG:kmg:rs

March 14, 2002

Representative Black:

This is the consumer protection transfer draft that you requested as part of your package for your superamendment.

Due to time constraints, we could not include the proposed treatment of s. 100.263 in this draft (which is described on p. 2 of the LFB motion in the 2nd full paragraph).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2618/1
MGG/RNK:kmg:rs

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TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

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

2 **1.** Page 300, line 17: after that line insert:

3 "286m. Page 352, line 18: after that line insert:

4 "(1x0) CONSUMER PROTECTION TRANSFER. The legislative reference bureau shall
5 prepare legislation authorizing the transfer of consumer protection programs,
6 functions, and enforcement activities under sections 100.15, 100.16, 100.17, 100.171,
7 100.173, 100.174, 100.175, 100.177, 100.178, 100.18, 100.182, 100.20, 100.205,
8 100.207, 100.209, 100.2095, 100.28, 100.31, 100.37, 100.38, 100.41, 100.42, 100.43,
9 100.44, 100.46, and 100.50 and chapters 136, 344, 704, 707, and 779 of the statutes
10 from the department of agriculture, trade and consumer protection to the
11 department of justice, based on instructions provided by the department of justice.

1 The final instructions for this legislation shall be submitted to the legislative
2 reference bureau by the department of justice no later than June 1, 2002.”.”

3 **2.** Page 323, line 6: after that line insert:

4 “325m. Page 376, line 8: after that line insert:

5 “(14xo) CONSUMER PROTECTION TRANSFER. In the schedule under section 20.005
6 (3) of the statutes for the appropriation to the department of agriculture, trade and
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9 reflect the transfer of certain consumer protection programs, functions, and
10 enforcement activities to the department of justice and to decrease the authorized
11 FTE positions for the department of agriculture, trade and consumer protection by
12 43.75 GPR positions related to those consumer protection programs, functions, and
13 enforcement activities.”.”

14 **3.** Page 326, line 5: after that line insert:

15 “349m. Page 399, line 8: after that line insert:

16 “(11xo) CONSUMER PROTECTION TRANSFER. In the schedule under section 20.005
17 (3) of the statutes for the appropriation to the department of justice under section
18 20.455 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
19 increased by \$1,499,900 for fiscal year 2002–03 to reflect the transfer of certain
20 consumer protection programs, functions, and enforcement activities from the
21 department of agriculture, trade and consumer protection and to increase the
22 authorized FTE positions for the department of justice by 26.0 GPR positions related
23 to those consumer protection programs, functions, and enforcement activities.”.”

24 (END)