

**2001 Jr2 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-AB1)**

Received: 06/19/2002

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Schug

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters: gibsom  
nelsorp1

Subject: Trade Regulation - other

Extra Copies: MGG

Submit via email: NO

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**Pre Topic:**

LFB:.....Hotynski -

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**Topic:**

Transfer consumer protection to DOJ

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**Instructions:**

Change first year dollar amounts in the schedule under s.20.455 (1) (g) from \$175,000 to "-0-" and change the number of employees transferred in the nonstats from 15.5 FTE to 21 FTE re: LRB2913/2

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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>
/?	rkite 06/19/2002	gilfokm 06/19/2002		_____			
/1			pgreensl 06/19/2002	_____	lrb_docadmin 06/19/2002		

FE Sent For:

<END>

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1?	rkite	11-6/19 kmg	6/19 ps	6/19 ps/CE			

FE Sent For:

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*(500)*

*Thurs.*

*63052/1*

**2001 - 2002 LEGISLATURE  
January 2002 Special Session**

LRBb20132 -  
MGG/RNK/RPN King -  
*(Signature)*

*LFB: ... Notynski*

*SCC:.....Engel - CN7906, Transfer from DATCP to DOJ consumer protection functions*

**FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION**

***Caucus* SENATE AMENDMENT,**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO ASSEMBLY BILL 1**

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

2 ✓ 1. Page 12, line 10: after that line insert:

3 "20.455 Justice, department of

4 (1) LEGAL AND REGULATORY SERVICES

5 (g) Consumer protection, informa-

6 tion, and education PR A ~~175,000~~ 175,000".

7 ✓ 2. Page 13, line 10: after that line insert:

8 "SECTION 27m. 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.”.

7           ↓ 3. Page 13, line 11: after that line insert:

8           “SECTION 28m. 20.115 (8) (jm) of the statutes is repealed.”.

9           ↓ 4. Page 17, line 5: after that line insert:

10           “SECTION 41g. 20.455 (1) (title) of the statutes is amended to read:

11           20.455 (1) (title) LEGAL AND REGULATORY SERVICES.

12           SECTION 41m. 20.455 (1) (g) of the statutes is created to read:

13           20.455 (1) (g) *Consumer protection, information, and education*. The amounts  
14 in the schedule for consumer protection and consumer information and education.  
15 All moneys received under s. 100.261 (3) (d) shall be credited to this appropriation  
16 account, subject to the limit under s. 100.261 (3) (e).

17           SECTION 41p. 20.455 (1) (j) of the statutes is created to read:

18           20.455 (1) (j) *Telephone solicitation regulation*. All moneys received from  
19 telephone solicitor registration and registration renewal fees paid under the rules  
20 promulgated under s. 100.52 (3) (a) for establishing and maintaining the  
21 nonsolicitation directory under s. 100.52 (2).”.

22           ↓ 5. Page 154, line 4: after that line insert:

23           “SECTION 259d. 93.07 (1) of the statutes is amended to read:

*as created  
by 2001  
Wisconsin  
Act 16,*

1           93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent  
2 with law, as it may deem necessary for the exercise and discharge of all the powers  
3 and duties of the department, and to adopt such measures and make such  
4 regulations as are necessary and proper for the ~~enforcement by the state of~~  
5 department to carry out its duties and powers under chs. 93 to 100, which regulations  
6 shall have the force of law."

7           ✓ 6. Page 154, line 17: after that line insert:

8           "SECTION 259sd. 93.07 (23) of the statutes is created to read:

9           93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to  
10 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.206, 100.208,  
11 100.21, 100.22, 100.235, 100.265, 100.27, 100.285 to 100.297, 100.30, 100.33 to  
12 100.36, 100.45, 100.47, 100.48, and 100.51 and to enforce ss. 100.206, 100.21, 100.30,  
13 and 100.51.

14           SECTION 259se. 93.07 (24) of the statutes is amended to read:

15           93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.  
16 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

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

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

22           (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article  
23 of food, drink, condiment or drug made or offered for sale within this state which it  
24 may suspect or have reason to believe, under the laws administered by the

1 department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or  
2 in any way unlawful.

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

8 **SECTION 259sf.** 93.18 (3) of the statutes is amended to read:

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

21 **SECTION 259sh.** 93.18 (7) of the statutes is created to read:

22 93.18 (7) The department of justice shall follow the procedures under subs. (1),  
23 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the  
24 department of justice.

25 **SECTION 259sj.** 93.20 (1) of the statutes is amended to read:

1           93.20 (1) DEFINITION. In this section, “action” means an action that is  
2 commenced in court by, or on behalf of, the department of agriculture, trade and  
3 consumer protection to enforce chs. 88, 91 to 100 or 127 or an action that is  
4 commenced in court by the department of justice to enforce ch. 100.

5           SECTION 259sm. 93.22 (1) of the statutes is amended to read:

6           93.22 (1) In cases arising under chs. 88 and 93 to ~~100~~ 99 and ~~ss. 100.206, 100.21,~~  
7 100.30, and 100.51, the department may be represented by its attorney.

8           SECTION 259sp. 93.22 (2) of the statutes is amended to read:

9           93.22 (2) The department may, with the approval of the governor, appoint  
10 special counsel to prosecute or assist in the prosecution of any case arising under chs.  
11 88 and 93 to ~~100~~ 99 and ~~ss. 100.206, 100.21, 100.30, and 100.51.~~ The cost of such  
12 special counsel shall be charged to the appropriation for the department.”.

13       √ 7. Page 155, line 7: after that line insert:

14           “SECTION 262m. 100.07 (6) of the statutes is amended to read:

15           100.07 (6) ~~Action~~ Upon request of the department, an action to enjoin violation  
16 of this section may be commenced and prosecuted by the department of justice in the  
17 name of the state in any court having equity jurisdiction.”.

18       ↓ 8. Page 155, line 13: after that line insert:

19           “SECTION 263bb. 100.171 (7) (b) of the statutes, as affected by 2001 Wisconsin  
20 Act .... (this act), is amended to read:

21           100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class  
22 I felony. A person intentionally violates this section if the violation occurs after the  
23 department of justice or a district attorney has notified the person by certified mail  
24 that the person is in violation of this section.

1       **SECTION 263bd.** 100.171 (8) (intro.) of the statutes is amended to read:

2       100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate  
3 violations of this section. The department of justice or any district attorney may on  
4 behalf of the state:

5       **SECTION 263bg.** 100.173 (4) (intro.) of the statutes is amended to read:

6       100.173 (4) (intro.) The department of justice shall investigate violations of this  
7 section. The department of justice, or any district attorney upon informing the  
8 department of justice, may, on behalf of the state, do any of the following:

9       **SECTION 263bj.** 100.173 (4) (a) of the statutes is amended to read:

10       100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in  
11 any court of competent jurisdiction for any violation of this section. The relief sought  
12 by the department of justice or district attorney may include the payment by a  
13 promoter into an escrow account of an amount estimated to be sufficient to pay for  
14 ticket refunds. The court may, upon entry of final judgment, award restitution when  
15 appropriate to any person suffering loss because of violations of this section if proof  
16 of such loss is submitted to the satisfaction of the court.

17       **SECTION 263bn.** 100.174 (5) (intro.) of the statutes is amended to read:

18       100.174 (5) (intro). The department of justice or any district attorney may on  
19 behalf of the state:

20       **SECTION 263bq.** 100.174 (6) of the statutes is amended to read:

21       100.174 (6) The department of justice shall investigate violations of and  
22 enforce this section.

23       **SECTION 263bt.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

24       100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to  
25 pay more than \$100 for dating services before the buyer receives or has the



1 opportunity to receive those services unless the person selling dating services  
2 establishes proof of financial responsibility by maintaining any of the following  
3 commitments approved by the department of justice in an amount not less than  
4 \$25,000:

5 **SECTION 263bw.** 100.175 (5) (b) of the statutes is amended to read:

6 100.175 (5) (b) The commitment described in par. (a) shall be established in  
7 favor of or made payable to the state, for the benefit of any buyer who does not receive  
8 a refund under the contractual provision described in sub. (3). The person selling  
9 dating services shall file with the department of justice any agreement, instrument  
10 or other document necessary to enforce the commitment against the person selling  
11 dating services or any relevant 3rd party, or both.

12 **SECTION 263bz.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

13 100.175 (7) (a) (intro.) The department of justice or any district attorney may  
14 on behalf of the state:

15 **SECTION 263gb.** 100.175 (7) (b) of the statutes is amended to read:

16 100.175 (7) (b) The department of justice may bring an action in circuit court  
17 to recover on a financial commitment maintained under sub. (5) against a person  
18 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does  
19 not receive a refund due under the contractual provision described in sub. (3).

20 **SECTION 263gd.** 100.177 (1) (bm) of the statutes is created to read:

21 100.177 (1) (bm) Notwithstanding s. 93.01 (3), "department" means the  
22 department of justice.

23 **SECTION 263gg.** 100.178 (1) (b) of the statutes is amended to read:

24 100.178 (1) (b) Notwithstanding s. 93.01 (3), "department" means the  
25 department of ~~health and family services~~ justice.

1           **SECTION 263gj.** 100.18 (11) (a) of the statutes is amended to read:

2           100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~  
3 justice shall enforce this section. Actions to enjoin violation of this section or any  
4 regulations thereunder may be commenced and prosecuted by the department of of  
5 justice in the name of the state in any court having equity jurisdiction. This remedy  
6 is not exclusive.

7           **SECTION 263gm.** 100.18 (11) (b) 3. of the statutes is amended to read:

8           100.18 (11) (b) 3. No action may be commenced under this section more than  
9 3 years after the occurrence of the unlawful act or practice which is the subject of the  
10 action. No injunction may be issued under this section which would conflict with  
11 general or special orders of the department of of justice or any statute, rule or  
12 regulation of the United States or of this state.

13           **SECTION 263gp.** 100.18 (11) (c) 1. of the statutes is amended to read:

14           100.18 (11) (c) 1. Whenever the department of of justice has reason to believe that  
15 a person is in possession, custody or control of any information or documentary  
16 material relevant to the enforcement of this section it may require that person to  
17 submit a statement or report, under oath or otherwise, as to the facts and  
18 circumstances concerning any activity in the course of trade or commerce; examine  
19 under oath that person with respect to any activity in the course of trade or  
20 commerce; and execute in writing and cause to be served upon such person a civil  
21 investigative demand requiring the person to produce any relevant documentary  
22 material for inspection and copying.

23           **SECTION 263gs.** 100.18 (11) (c) 2. of the statutes is amended to read:

1           100.18 (11) (c) 2. The department of justice, in exercising powers under this  
2 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in  
3 any investigation.

4           **SECTION 263gu.** 100.18 (11) (c) 3. of the statutes is amended to read:

5           100.18 (11) (c) 3. Service of any notice by the department of justice requiring  
6 a person to file a statement or report, or service of a subpoena upon a person, or  
7 service of a civil investigative demand shall be made in compliance with the rules of  
8 civil procedure of this state.

9           **SECTION 263gx.** 100.18 (11) (c) 4. of the statutes is amended to read:

10          100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to  
11 comply with any civil investigative demand, or fails to obey any subpoena issued by  
12 the department of justice, such person may be coerced as provided in s. 885.12, except  
13 that no person shall be required to furnish any testimony or evidence under this  
14 subsection which might tend to incriminate the person.

15          **SECTION 263mb.** 100.18 (11) (d) of the statutes is amended to read:

16          100.18 (11) (d) ~~The department or the department of justice, after consulting~~  
17 ~~with the department,~~ or any district attorney, upon informing the department of  
18 justice, may commence an action in circuit court in the name of the state to restrain  
19 by temporary or permanent injunction any violation of this section. The court may  
20 in its discretion, prior to entry of final judgment, make such orders or judgments as  
21 may be necessary to restore to any person any pecuniary loss suffered because of the  
22 acts or practices involved in the action, provided proof thereof is submitted to the  
23 satisfaction of the court. ~~The department and the department of justice may~~  
24 subpoena persons and require the production of books and other documents, ~~and the~~

1 ~~department of justice may request the department to exercise its authority under~~  
2 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

3 **SECTION 263mf.** 100.18 (11) (e) of the statutes is amended to read:

4 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this  
5 section, ~~the department or the department of justice~~ may accept a written assurance  
6 of discontinuance of any act or practice alleged to be a violation of this section from  
7 the person who has engaged in such act or practice. The acceptance of such assurance  
8 by ~~either the department or the department of justice~~ shall be deemed acceptance by  
9 ~~the other state officials enumerated in par. (d)~~ any district attorney if the terms of  
10 the assurance so provide. An assurance entered into pursuant to this section shall  
11 not be considered evidence of a violation of this section, provided that violation of  
12 such an assurance shall be treated as a violation of this section, and shall be  
13 subjected to all the penalties and remedies provided therefor.

14 **SECTION 263mj.** 100.182 (5) (a) of the statutes is amended to read:

15 100.182 (5) (a) Any district attorney, after informing the department of justice,  
16 or the department of justice may seek a temporary or permanent injunction in circuit  
17 court to restrain any violation of this section. Prior to entering a final judgment the  
18 court may award damages to any person suffering monetary loss because of a  
19 violation. The department of justice may subpoena any person or require the  
20 production of any document to aid in investigating alleged violations of this section.

21 **SECTION 263mm.** 100.182 (5) (b) of the statutes is amended to read:

22 100.182 (5) (b) In lieu of instituting or continuing an action under this  
23 subsection, the department of justice may accept a written assurance from a violator  
24 of this section that the violation has ceased. If the terms of the assurance so provide,  
25 its acceptance by the department of justice prevents all district attorneys from

1 prosecuting the violation. An assurance is not evidence of a violation of this section  
2 but violation of an assurance is subject to the penalties and remedies of violating this  
3 section.

4 **SECTION 263mp.** 100.20 (2) (a) of the statutes is amended to read:

5 100.20 (2) (a) The department of justice, after public hearing, may issue  
6 general orders forbidding methods of competition in business or trade practices in  
7 business which are determined by the department of justice to be unfair. The  
8 department of justice, after public hearing, may issue general orders prescribing  
9 methods of competition in business or trade practices in business which are  
10 determined by the department of justice to be fair.

11 **SECTION 263mr.** 100.20 (2) (b) of the statutes is amended to read:

12 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue  
13 any order or promulgate any rule that regulates the provision of water or sewer  
14 service by a manufactured home park operator, as defined in s. 101.91 (8), or  
15 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule  
16 to the extent that the rule regulates the provision of such water or sewer service.

17 **SECTION 263mt.** 100.20 (3) of the statutes is amended to read:

18 100.20 (3) The department of justice, after public hearing, may issue a special  
19 order against any person, enjoining such person from employing any method of  
20 competition in business or trade practice in business which is determined by the  
21 department of justice to be unfair or from providing service in violation of sub. (1t).  
22 The department of justice, after public hearing, may issue a special order against any  
23 person, requiring such person to employ the method of competition in business or  
24 trade practice in business which is determined by the department of justice to be fair.

25 **SECTION 263mv.** 100.20 (4) of the statutes is amended to read:

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as affected by 2001  
Wisconsin  
Act 16

1           100.20 (4) ~~The If the department of justice may file a written complaint with~~  
2 ~~the department alleging that the has reason to believe that a person named is~~  
3 ~~employing unfair methods of competition in business or unfair trade practices in~~  
4 ~~business or both. Whenever such a complaint is filed, it shall be the duty of the~~  
5 ~~department of justice to proceed, after proper notice and in accordance with its rules,~~  
6 ~~to the hearing and adjudication of the matters alleged, and a representative of the~~  
7 ~~department of justice designated by the attorney general may appear before the~~  
8 ~~department in such proceedings. The department of justice shall be entitled to~~  
9 ~~judicial review of the decisions and orders of the department under ch. 227 matter.~~

10           **SECTION 263mx.** 100.20 (6) of the statutes is amended to read:

11           100.20 (6) The department of justice may commence an action in circuit court  
12 in the name of the state to restrain by temporary or permanent injunction the  
13 violation of any order issued under this section. The court may in its discretion, prior  
14 to entry of final judgment make such orders or judgments as may be necessary to  
15 restore to any person any pecuniary loss suffered because of the acts or practices  
16 involved in the action, provided proof thereof is submitted to the satisfaction of the  
17 court. The department of justice may ~~use its authority in ss. 93.14 and 93.15 to~~  
18 investigate violations of any order issued under this section.

19           **SECTION 263mz.** 100.201 (6) (d) of the statutes is amended to read:

20           100.201 (6) (d) The failure to pay fees under this subsection within the time  
21 provided under par. (c) is a violation of this section. The department of justice may  
22 also commence an action to recover the amount of any overdue fees plus interest at  
23 the rate of 2% per month for each month that the fees are delinquent.

24           **SECTION 263nb.** 100.201 (8m) (intro.) of the statutes is amended to read:

1           100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,  
2 acts or omissions which take place in whole or in part outside this state. In any action  
3 or administrative proceeding the department of justice has jurisdiction of the person  
4 served under s. 801.11 when any act or omission outside this state by the defendant  
5 or respondent results in local injury or may have the effect of injuring competition  
6 or a competitor in this state or unfairly diverts trade or business from a competitor,  
7 if at the time:

8           **SECTION 263nd.** 100.201 (9) (b) of the statutes is amended to read:

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

17           **SECTION 263nf.** 100.201 (9) (c) of the statutes is amended to read:

18           100.201 (9) (c) The department of justice, in addition to or in lieu of any other  
19 remedies herein provided, may apply to a circuit court for a temporary or permanent  
20 injunction to prevent, restrain or enjoin any person from violating this section or any  
21 special order of the department of agriculture, trade and consumer protection issued  
22 hereunder under this section, without being compelled to allege or prove that an  
23 adequate remedy at law does not exist.

24           **SECTION 263nj.** 100.205 (7) of the statutes is amended to read:

1           100.205 (7) The department of justice, or any district attorney on informing the  
2 department of justice, may commence an action in circuit court in the name of the  
3 state to restrain by temporary or permanent injunction any violation of this section.  
4 The court may, before entry of final judgment and after satisfactory proof, make  
5 orders or judgments necessary to restore to any person any pecuniary loss suffered  
6 because of a violation of this section. The department of justice may conduct  
7 hearings, administer oaths, issue subpoenas and take testimony to aid in its  
8 investigation of violations of this section.

9           **SECTION 263nm.** 100.205 (8) of the statutes is amended to read:

10           100.205 (8) The department of justice or any district attorney may commence  
11 an action in the name of the state to recover a forfeiture to the state of not more than  
12 \$10,000 for each violation of this section.

13           **SECTION 263nn.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.)  
14 and amended to read:

15           100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,  
16 "telecommunications;

17           (b) "Telecommunications service" has the meaning given in s. 196.01 (9m).

18           **SECTION 263no.** 100.207 (1) (a) of the statutes is created to read:

19           100.207 (1) (a) Notwithstanding s. 93.01 (3), "department" means the  
20 department of justice.

21           **SECTION 263nq.** 100.207 (6) (b) 1. of the statutes is amended to read:

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



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

8 **SECTION 263nt.** 100.207 (6) (b) 2. of the statutes is amended to read:

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

15 **SECTION 263nv.** 100.207 (6) (c) of the statutes is amended to read:

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

21 **SECTION 263nz.** 100.207 (6) (em) 1. of the statutes is amended to read:

22 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the  
23 department shall form an advisory group to suggest recommendations regarding the  
24 content and scope of the proposed rule. The advisory group shall consist of one or

1 more persons who may be affected by the proposed rule, ~~a representative from the~~  
2 ~~department of justice~~ and a representative from the public service commission.

3 **SECTION 263pb.** 100.207 (6) (em) 2. of the statutes is amended to read:

4 100.207 (6) (em) 2. The department shall submit the recommendations under  
5 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)  
6 ~~and to the board of agriculture, trade and consumer protection.~~

7 **SECTION 263pf.** 100.208 (2) (intro.) of the statutes is amended to read:

8 100.208 (2) (intro.) The department of justice shall notify the public service  
9 commission if any of the following conditions exists:

10 **SECTION 263pj.** 100.208 (2) (b) of the statutes is amended to read:

11 100.208 (2) (b) The department of justice has issued an order under s. 100.20  
12 (3) prohibiting a telecommunications provider from engaging in an unfair trade  
13 practice or method of competition.

14 **SECTION 263pm.** 100.209 (3) of the statutes is amended to read:

15 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not  
16 prohibit the department of justice from promulgating a rule or from issuing an order  
17 consistent with its authority under this chapter that gives a subscriber greater rights  
18 than the rights under sub. (2) or prohibit a city, village or town from enacting an  
19 ordinance that gives a subscriber greater rights than the rights under sub. (2).

20 **SECTION 263pp.** 100.209 (4) (b) of the statutes is amended to read:

21 100.209 (4) (b) The department of justice and the district attorneys of this state  
22 have concurrent authority to institute civil proceedings under this section.

23 **SECTION 263ps.** 100.2095 (6) (b) of the statutes is amended to read:

24 100.2095 (6) (b) The department of justice may commence an action in the  
25 name of the state to restrain by temporary or permanent injunction a violation of sub.

1 (3), (4) or (5). Before entry of final judgment, the court may make any necessary  
2 orders to restore to any person any pecuniary loss suffered by the person because of  
3 the violation.

4 **SECTION 263pv.** 100.2095 (6) (c) of the statutes is amended to read:

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

8 ✓ **9.** Page 155, line 17: after that line insert:

9 **“SECTION 264d.** 100.21 (2) (a) of the statutes is amended to read:

10 100.21 (2) (a) No person may make an energy savings or safety claim without  
11 a reasonable and currently accepted scientific basis for the claim when the claim is  
12 made. Making an energy savings or safety claim without a reasonable and currently  
13 accepted scientific basis is also an unfair method of competition and trade practice  
14 prohibited under s. 100.20.

15 **SECTION 264h.** 100.21 (4) (a) (intro.) of the statutes is amended to read:

16 100.21 (4) (a) (intro.) The department may, after public hearing, issue general  
17 or special orders ~~under s. 100.20~~:

18 **SECTION 264p.** 100.22 (4) (b) of the statutes is amended to read:

19 100.22 (4) (b) The department of justice may, without alleging or proving that  
20 no other adequate remedy at law exists, bring an action to enjoin violations of this  
21 section or a special order issued under this section in the circuit court for the county  
22 where the alleged violation occurred.

23 **SECTION 264t.** 100.235 (11) (a) of the statutes is amended to read:

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

5       ✓ **10.** Page 156, line 3: after that line insert:

6           “SECTION 266m. 100.26 (6) of the statutes is amended to read:

7           100.26 (6) ~~The department, the department of justice, after consulting with the~~  
8 ~~department, or any district attorney may commence an action in the name of the~~  
9 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~  
10 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.  
11 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~  
12 ~~protection or any district attorney may commence an action in the name of the state~~  
13 ~~to recover a civil~~ is subject to a forfeiture of not less than \$100 nor more than \$10,000  
14 for each violation. Any person violating an order issued under s. 100.20 is subject  
15 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each  
16 violation of an order issued under s. 100.20.”.

17       ↓ **11.** Page 156, line 9: after that line insert:

18           “SECTION 267kb. 100.261 (3) (b) of the statutes, as affected by 2001 Wisconsin  
19 Act 16, is amended to read:

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

1           **SECTION 267kd.** 100.261 (3) (d) of the statutes is created to read:

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

7           **SECTION 267ke.** 100.261 (3) (e) of the statutes is created to read:

8           100.261 (3) (e) The amount credited to the appropriation account under s.  
9 20.455 (1) (g) may not exceed \$185,000 in each fiscal year.

10          **SECTION 267kf.** 100.263 of the statutes is amended to read:

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

23          **SECTION 267kh.** 100.28 (4) (b) of the statutes is amended to read:

1           100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the  
2 department of justice may seek an injunction restraining any person from violating  
3 this section.

4           **SECTION 267kj.** 100.28 (4) (c) of the statutes is amended to read:

5           100.28 (4) (c) The department of justice, or any district attorney upon the  
6 request of the department of justice, may commence an action in the name of the  
7 state under par. (a) or (b).

8           **SECTION 267kL.** 100.31 (4) of the statutes is amended to read:

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

15           **SECTION 267kn.** 100.31 (5) of the statutes is amended to read:

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

22           **SECTION 267ko.** 100.37 (1) (am) of the statutes is created to read:

23           100.37 (1) (am) Notwithstanding s. 93.01 (3), "department" means the  
24 department of justice.

25           **SECTION 267kp.** 100.38 (5) of the statutes is amended to read:

1           100.38 (5) INSPECTION. The department of justice shall enforce this section by  
2 inspection, chemical analyses or any other appropriate method and the department  
3 of justice may promulgate such rules as are necessary to effectively enforce this  
4 section.

5           **SECTION 267kq.** 100.38 (6) of the statutes is amended to read:

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

9           **SECTION 267kr.** 100.41 (1) (bn) of the statutes is created to read:

10           100.41 (1) (bn) Notwithstanding s. 93.01 (3), "department" means the  
11 department of justice.

12           **SECTION 267ks.** 100.42 (1) (cm) of the statutes is created to read:

13           100.42 (1) (cm) Notwithstanding s. 93.01 (3), "department" means the  
14 department of justice.

15           **SECTION 267kt.** 100.43 (1) (am) of the statutes is created to read:

16           100.43 (1) (am) Notwithstanding s. 93.01 (3), "department" means the  
17 department of justice.

18           **SECTION 267ku.** 100.44 (5) of the statutes is amended to read:

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

1           **SECTION 267kv.** 100.46 (1) of the statutes is amended to read:

2           100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by  
3 rule adopt energy conservation standards for products that have been established in  
4 or promulgated under 42 USC 6291 to 6309.

5           **SECTION 267kw.** 100.46 (2) of the statutes is amended to read:

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

11           **SECTION 267kx.** 100.50 (6) (b) of the statutes is amended to read:

12           100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the  
13 department of justice may seek an injunction restraining any person from violating  
14 this section.

15           **SECTION 267ky.** 100.50 (6) (c) of the statutes is amended to read:

16           100.50 (6) (c) The department of justice, or any district attorney upon the  
17 request of the department of justice, may commence an action in the name of the  
18 state under par. (a) or (b).

19           **SECTION 267kz.** 100.52 (1) (bn) of the statutes is created to read:

20           100.52 (1) (bn) Notwithstanding s. 93.01 (3), "department" means the  
21 department of justice."

22           ✓**12.** Page 156, line 20: after that line insert:

23           **"SECTION 269m.** 101.175 (3) (intro.) of the statutes is amended to read:



1           101.175 (3) (intro.) The department, in consultation with the department of  
2 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality  
3 standards for local energy resource systems which do not impede development of  
4 innovative systems but which do:".

5           √ **13.** Page 167, line 16: after that line insert:

6           "SECTION 312m. 134.71 (12) of the statutes is amended to read:

7           134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and  
8 consumer protection, in consultation with the department of justice, shall develop  
9 applications and other forms required under subs. (5) (intro.) and (8) (c). The  
10 department of agriculture, trade and consumer protection shall print a sufficient  
11 number of applications and forms to provide to counties and municipalities for  
12 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry  
13 dealers at no cost.

14           SECTION 314m. 136.03 (title) of the statutes is amended to read:

15           **136.03** (title) **Duties of the department of agriculture, trade and**  
16 **~~consumer protection~~ justice.**

17           SECTION 314p. 136.03 (1) (intro.) of the statutes is amended to read:

18           136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~  
19 ~~protection~~ of justice shall investigate violations of this chapter and of rules and  
20 orders issued under s. 136.04. The department of justice may subpoena persons and  
21 records to facilitate its investigations, and may enforce compliance with such  
22 subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of  
23 the state:

24           SECTION 314r. 136.04 of the statutes is amended to read:

1           **136.04 Powers of the department of agriculture, trade and consumer**  
2 **protection justice.** (1) The department of agriculture, trade and consumer  
3 protection justice may adopt such rules as may be required to carry out the purposes  
4 of this chapter.

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

9           ✓ **14.** Page 173, line 16: after that line insert:

10           “**SECTION 338g.** 165.065 (2) of the statutes is amended to read:

11           165.065 (2) The assistant attorney general in charge of antitrust investigations  
12 and prosecutions is to cooperate actively with the antitrust division of the U.S.  
13 department of justice in everything that concerns monopolistic practices in  
14 Wisconsin, and also to cooperate actively with the department of agriculture, trade  
15 and consumer protection in the work which this agency is carrying on ~~under s. 100.20~~  
16 ~~of the marketing law~~ with regard to monopolistic practices in the field of agriculture  
17 and with the federal trade commission on matters arising in or affecting Wisconsin  
18 which pertain to its jurisdiction.

19           **SECTION 338m.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin  
20 Act 16, section 2856b, is amended to read:

21           165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~  
22 ~~required by~~ represent the department of agriculture, trade and consumer protection  
23 in any court action relating to the enforcement of ~~ss. 100.171, 100.173, 100.174,~~  
24 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~

1 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~  
2 ~~ch. 126 and 100.01 to 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201,~~  
3 ~~100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and~~  
4 ~~100.48,~~ together with any other services as are necessarily connected to the legal  
5 services.

6 **SECTION 338r.** 165.25 (11) of the statutes is created to read:

7 165.25 (11) CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT.  
8 Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095,  
9 100.28, 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and chs. 136, 344, 704,  
10 707, and 779. The department may issue general or special orders in administering  
11 and enforcing these provisions.”.

12 √ **15.** Page 211, line 13: after that line insert:

13 “**SECTION 442g.** 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.

16 **SECTION 442m.** 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.

22 **SECTION 442r.** 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),

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 ✓ **16.** Page 222, line 15: after that line insert:

4 “**SECTION 511bg.** 704.90 (9) of the statutes is amended to read:

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

8 **SECTION 511br.** 704.90 (11) (title) of the statutes is amended to read:

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

11 **SECTION 511bz.** 704.90 (11) (a) of the statutes is amended to read:

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

17 **SECTION 511h.** 707.49 (4) of the statutes is amended to read:

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

1 department of ~~agriculture, trade and consumer protection~~ justice for the benefit of  
2 aggrieved parties.

3 **SECTION 511k.** 707.57 (2) of the statutes is amended to read:

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

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

16 **SECTION 511p.** 707.57 (3) of the statutes is amended to read:

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

22 ✓ **17.** Page 223, line 13: after that line insert:

23 “**SECTION 516g.** 779.41 (1m) of the statutes is amended to read:

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

5           **SECTION 516n.** 779.93 (title) of the statutes is amended to read:

6           **779.93 (title) Duties of the department of ~~agriculture, trade and~~**  
7 **~~consumer protection justice.~~**

8           **SECTION 516p.** 779.93 (1) of the statutes is amended to read:

9           779.93 (1) The department of ~~agriculture, trade and consumer protection~~  
10 ~~justice~~ shall investigate violations of this subchapter and attempts to circumvent  
11 this subchapter. The department of ~~agriculture, trade and consumer protection~~  
12 ~~justice~~ may subpoena persons and records to facilitate its investigations, and may  
13 enforce compliance with such subpoenas as provided in s. 885.12.

14           **SECTION 516r.** 779.93 (2) (intro.) of the statutes is amended to read:

15           779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~  
16 ~~protection justice~~ may in on behalf of the state or in on behalf of any person who holds  
17 a prepaid maintenance lien.”.

18           ✓ **18.** Page 352, line 18: after that line insert:

19           “(4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

20           (a) *Assets and liabilities.* All assets and liabilities of the department of  
21 agriculture, trade and consumer protection that are primarily related to programs  
22 or functions transferred to the department of justice under this act shall become the  
23 assets and liabilities of the department of justice. The departments of justice and  
24 agriculture, trade and consumer protection shall jointly determine these assets and

1 liabilities and shall jointly develop and implement a plan for their orderly transfer.  
2 In the event of any disagreement between the departments, the secretary of  
3 administration shall decide the question. If either department is dissatisfied with  
4 the secretary's decision, the department may bring the matter to the cochairpersons  
5 of the joint committee on finance for consideration by the committee, and the  
6 committee shall affirm or modify the decision.

7 (b) *Employee transfers.* In the department of agriculture, trade and consumer  
8 protection <sup>21.0</sup> ~~11.5~~ FTE positions that are primarily related to programs or functions  
9 that are transferred to the department of justice under this act, and the incumbents  
10 holding these positions are transferred to the department of justice. The secretary  
11 of administration shall determine which incumbents will be transferred. If either  
12 department is dissatisfied with the secretary's decision, the department may bring  
13 the matter to the cochairpersons of the joint committee on finance for consideration  
14 by the committee, and the committee shall affirm or modify the decision.

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

21 (d) *Supplies and equipment.* All tangible personal property, including records,  
22 of the department of agriculture, trade and consumer protection that are primarily  
23 related to programs or functions that are transferred to the department of justice  
24 under this act are transferred to the department of justice. The departments of  
25 justice and agriculture, trade and consumer protection shall jointly identify the

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1 tangible personal property, including records, and shall jointly develop and  
2 implement a plan for their orderly transfer. In the event of any disagreement  
3 between the departments, the secretary of administration shall decide the question.  
4 If either department is dissatisfied with the secretary's decision, the department  
5 may bring the matter to the cochairpersons of the joint committee on finance for  
6 consideration by the committee, and the committee shall affirm or modify the  
7 decision.

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

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



1 modify the decision. The department of justice shall carry out the obligations under  
2 these contracts until the obligations are modified or rescinded by the department of  
3 justice to the extent allowed under the contract.

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

14 (h) *Decrease in positions.* The authorized FTE positions for the department of  
15 agriculture, trade and consumer protection, funded from the appropriation under  
16 section 20.115 (8) (jm), 1999 stats., are decreased by 5.5 PR positions.”.

17 ✓ **19.** Page 358, line 25: after that line insert:

18 “(2xz) INCREASE IN POSITIONS. The authorized FTE positions for the department  
19 of justice, funded from the appropriation under section 20.455 (1) (j) of the statutes,  
20 as created by this act, are increased by 5.5 PR positions.”.

21 ✓ **20.** Page 376, line 8: after that line insert:

22 “(14xz) CONSUMER PROTECTION TRANSFER.

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

1 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is  
2 decreased by \$2,292,100 for fiscal year 2002–03<sup>✓</sup> to reflect the transfer of certain  
3 consumer protection programs, functions, and enforcement activities to the  
4 department of justice and to decrease the authorized FTE positions for the  
5 department of agriculture, trade and consumer protection by 41.25 GPR positions  
6 related to those consumer protection programs, functions, and enforcement  
7 activities.

8 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation  
9 to the department of agriculture, trade and consumer protection under section  
10 20.115 (8) (a) of the statutes, as affected by the acts of 2001, the dollar amount is  
11 decreased by \$292,400 for fiscal year 2002–03<sup>✓</sup> to reflect the transfer of certain  
12 consumer protection programs, functions, and enforcement activities to the  
13 department of justice and to decrease the authorized FTE positions for the  
14 department of agriculture, trade and consumer protection by 2.5 GPR positions  
15 related to those consumer protection programs, functions, and enforcement  
16 activities.”.

17 <sup>✓</sup>**21.** Page 399, line 3: after that line insert:

18 “(10xo) CONSUMER PROTECTION TRANSFER. In the schedule under section 20.005  
19 (3) of the statutes for the appropriation to the department of justice under section  
20 20.455 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is  
21 increased by \$1,502,200 for fiscal year 2002–03<sup>✓</sup> to reflect the transfer of certain  
22 consumer protection programs, functions, and enforcement activities from the  
23 department of agriculture, trade and consumer protection and to increase the

1 authorized FTE positions for the department of justice by 26.0 GPR positions related  
2 to those consumer protection programs, functions, and enforcement activities.”.

3 ✓ **22.** Page 445, line 5: after that line insert:

4 “(1xo) CONSUMER PROTECTION TRANSFER. The treatment of sections 20.115 (1)  
5 (hnn) and (8) (jm), 20.455 (1) (title), (g), and (j), 93.07 (1), (23), and (24), 93.18 (3) and  
6 (7), 93.20 (1), 93.22 (1) and (2), 100.07 (6), 100.171 (7) (b) (by SECTION 263bb) and (8)  
7 (intro.), 100.173 (4) (intro.) and (a), 100.174 (5) (intro.) and (6), 100.175 (5) (a) (intro.)  
8 and (b) and (7) (a) (intro.) and (b), 100.177 (1) (bm), 100.178 (1) (b), 100.18 (11) (a),  
9 (b) 3., (c) 1., 2., 3., and 4., (d), and (e), 100.182 (5) (a) and (b), 100.20 (2) (a) and (b),  
10 (3), (4), and (6), 100.201 (6) (d), (8m) (intro.), and (9) (b) and (c), 100.205 (7) and (8),  
11 100.207 (6) (b) 1. and 2., (c), and (em) 1. and 2., 100.208 (2) (intro.) and (b), 100.209  
12 (3) and (4) (b), 100.2095 (6) (b) and (c), 100.21 (2) (a) and (4) (a) (intro.), 100.22 (4) (b),  
13 100.235 (11) (a), 100.26 (6), 100.261 (3) (b), (d), and (e), 100.263, 100.28 (4) (b) and  
14 (c), 100.31 (4) and (5), 100.37 (1) (am), 100.38 (5) and (6), 100.41 (1) (bn), 100.42 (1)  
15 (cm), 100.43 (1) (am), 100.44 (5), 100.46 (1) and (2), 100.50 (6) (b) and (c), 100.52 (1)  
16 (bn), 101.175 (3) (intro.), 134.71 (12), 136.03 (title) and (1) (intro.), 136.04, 165.065  
17 (2), 165.25 (4) (ar) and (11), 344.576 (3) (a) 5. and (c), 344.579 (2) (intro.), 704.90 (9)  
18 and (11) (title) and (a), 707.49 (4), 707.57 (2) and (3), 779.41 (1m), and 779.93 (title),  
19 (1), and (2) (intro.) of the statutes the renumbering and amendment of section  
20 100.207 (1) of the statutes, the creation of section 100.207 (1) (a) of the statutes, and  
21 SECTIONS 9104 (14xv) and 9131 (2xz) of this act take effect on July 1, 2002, or on the  
22 day after publication, whichever is later.”.

23 (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb3052/1  
MGG/RNK/RPN:kmg:pg

LFB:.....Hotynski - Transfer consumer protection to DOJ

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

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

2 1. Page 12, line 10: after that line insert:

3 "20.455 Justice, department of

4 (1) LEGAL AND REGULATORY SERVICES

5 (g) Consumer protection, informa-

6 tion, and education PR A -0- 175,000".

7 2. Page 13, line 10: after that line insert:

8 "SECTION 27m. 20.115 (1) (hm) of the statutes is amended to read:

9 20.115 (1) (hm) *Ozone-depleting refrigerants and products regulation.* The  
10 amounts in the schedule for administration of the mobile air conditioner servicing

1 and refrigerant recycling programs and for responsibilities under ~~ss. s.~~ 100.45 and  
2 100.50 relating to sales and labeling of products containing or made with  
3 ozone-depleting substances. All moneys received from fees under s. 100.45 (5) (a)  
4 3. and (5m) shall be credited to this appropriation.”.

5 **3.** Page 13, line 11: after that line insert:

6 “**SECTION 28m.** 20.115 (8) (jm) of the statutes, as created by 2001 Wisconsin Act  
7 16, is repealed.”.

8 **4.** Page 17, line 5: after that line insert:

9 “**SECTION 41g.** 20.455 (1) (title) of the statutes is amended to read:

10 20.455 (1) (title) LEGAL AND REGULATORY SERVICES.

11 **SECTION 41m.** 20.455 (1) (g) of the statutes is created to read:

12 20.455 (1) (g) *Consumer protection, information, and education.* The amounts  
13 in the schedule for consumer protection and consumer information and education.  
14 All moneys received under s. 100.261 (3) (d) shall be credited to this appropriation  
15 account, subject to the limit under s. 100.261 (3) (e).

16 **SECTION 41p.** 20.455 (1) (j) of the statutes is created to read:

17 20.455 (1) (j) *Telephone solicitation regulation.* All moneys received from  
18 telephone solicitor registration and registration renewal fees paid under the rules  
19 promulgated under s. 100.52 (3) (a) for establishing and maintaining the  
20 nonsolicitation directory under s. 100.52 (2).”.

21 **5.** Page 154, line 4: after that line insert:

22 “**SECTION 259d.** 93.07 (1) of the statutes is amended to read:

23 93.07 (1) **REGULATIONS.** To make and enforce such regulations, not inconsistent  
24 with law, as it may deem necessary for the exercise and discharge of all the powers

1 and duties of the department, and to adopt such measures and make such  
2 regulations as are necessary and proper for the ~~enforcement by the state of~~  
3 department to carry out its duties and powers under chs. 93 to 100, which regulations  
4 ~~shall have the force of law.~~”

5 **6.** Page 154, line 17: after that line insert:

6 “**SECTION 259sd.** 93.07 (23) of the statutes is created to read:

7 93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to  
8 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.206, 100.208,  
9 100.21, 100.22, 100.235, 100.265, 100.27, 100.285 to 100.297, 100.30, 100.33 to  
10 100.36, 100.45, 100.47, 100.48, and 100.51 and to enforce ss. 100.206, 100.21, 100.30,  
11 and 100.51.

12 **SECTION 259se.** 93.07 (24) of the statutes is amended to read:

13 93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.  
14 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

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

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

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

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

6 **SECTION 259sf.** 93.18 (3) of the statutes is amended to read:

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

19 **SECTION 259sh.** 93.18 (7) of the statutes is created to read:

20 93.18 (7) The department of justice shall follow the procedures under subs. (1),  
21 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the  
22 department of justice.

23 **SECTION 259sj.** 93.20 (1) of the statutes is amended to read:

24 93.20 (1) DEFINITION. In this section, "action" means an action that is  
25 commenced in court by, or on behalf of, the department of agriculture, trade and

1 consumer protection to enforce chs. 88, 91 to 100 or 127 or an action that is  
2 commenced in court by the department of justice to enforce ch. 100.

3 **SECTION 259sm.** 93.22 (1) of the statutes is amended to read:

4 93.22 (1) In cases arising under chs. 88 and 93 to ~~100 99~~ and ss. 100.206, 100.21,  
5 100.30, and 100.51, the department may be represented by its attorney.

6 **SECTION 259sp.** 93.22 (2) of the statutes is amended to read:

7 93.22 (2) The department may, with the approval of the governor, appoint  
8 special counsel to prosecute or assist in the prosecution of any case arising under chs.  
9 88 and 93 to ~~100 99~~ and ss. 100.206, 100.21, 100.30, and 100.51. The cost of such  
10 special counsel shall be charged to the appropriation for the department.”.

11 **7.** Page 155, line 7: after that line insert:

12 “**SECTION 262m.** 100.07 (6) of the statutes is amended to read:

13 100.07 (6) ~~Action~~ Upon request of the department, an action to enjoin violation  
14 of this section may be commenced and prosecuted by the department of justice in the  
15 name of the state in any court having equity jurisdiction.”.

16 **8.** Page 155, line 13: after that line insert:

17 “**SECTION 263bb.** 100.171 (7) (b) of the statutes, as affected by 2001 Wisconsin  
18 Act .... (this act), is amended to read:

19 100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class  
20 I felony. A person intentionally violates this section if the violation occurs after the  
21 department of justice or a district attorney has notified the person by certified mail  
22 that the person is in violation of this section.

23 **SECTION 263bd.** 100.171 (8) (intro.) of the statutes is amended to read:



1           100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate  
2 violations of this section. The department of justice or any district attorney may on  
3 behalf of the state:

4           **SECTION 263bg.** 100.173 (4) (intro.) of the statutes is amended to read:

5           100.173 (4) (intro.) The department of justice shall investigate violations of this  
6 section. The department of justice, or any district attorney upon informing the  
7 department of justice, may, on behalf of the state, do any of the following:

8           **SECTION 263bj.** 100.173 (4) (a) of the statutes is amended to read:

9           100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in  
10 any court of competent jurisdiction for any violation of this section. The relief sought  
11 by the department of justice or district attorney may include the payment by a  
12 promoter into an escrow account of an amount estimated to be sufficient to pay for  
13 ticket refunds. The court may, upon entry of final judgment, award restitution when  
14 appropriate to any person suffering loss because of violations of this section if proof  
15 of such loss is submitted to the satisfaction of the court.

16           **SECTION 263bn.** 100.174 (5) (intro.) of the statutes is amended to read:

17           100.174 (5) (intro). The department of justice or any district attorney may on  
18 behalf of the state:

19           **SECTION 263bq.** 100.174 (6) of the statutes is amended to read:

20           100.174 (6) The department of justice shall investigate violations of and  
21 enforce this section.

22           **SECTION 263bt.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

23           100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to  
24 pay more than \$100 for dating services before the buyer receives or has the  
25 opportunity to receive those services unless the person selling dating services

1 establishes proof of financial responsibility by maintaining any of the following  
2 commitments approved by the department of justice in an amount not less than  
3 \$25,000:

4 **SECTION 263bw.** 100.175 (5) (b) of the statutes is amended to read:

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

11 **SECTION 263bz.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

12 100.175 (7) (a) (intro.) The department of justice or any district attorney may  
13 on behalf of the state:

14 **SECTION 263gb.** 100.175 (7) (b) of the statutes is amended to read:

15 100.175 (7) (b) The department of justice may bring an action in circuit court  
16 to recover on a financial commitment maintained under sub. (5) against a person  
17 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does  
18 not receive a refund due under the contractual provision described in sub. (3).

19 **SECTION 263gd.** 100.177 (1) (bm) of the statutes is created to read:

20 100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the  
21 department of justice.

22 **SECTION 263gg.** 100.178 (1) (b) of the statutes is amended to read:

23 100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the  
24 department of ~~health and family services~~ justice.

25 **SECTION 263gj.** 100.18 (11) (a) of the statutes is amended to read:

1           100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~  
2 justice shall enforce this section. Actions to enjoin violation of this section or any  
3 regulations thereunder may be commenced and prosecuted by the department of of  
4 justice in the name of the state in any court having equity jurisdiction. This remedy  
5 is not exclusive.

6           **SECTION 263gm.** 100.18 (11) (b) 3. of the statutes is amended to read:

7           100.18 (11) (b) 3. No action may be commenced under this section more than  
8 3 years after the occurrence of the unlawful act or practice which is the subject of the  
9 action. No injunction may be issued under this section which would conflict with  
10 general or special orders of the department of justice or any statute, rule or  
11 regulation of the United States or of this state.

12           **SECTION 263gp.** 100.18 (11) (c) 1. of the statutes is amended to read:

13           100.18 (11) (c) 1. Whenever the department of justice has reason to believe that  
14 a person is in possession, custody or control of any information or documentary  
15 material relevant to the enforcement of this section it may require that person to  
16 submit a statement or report, under oath or otherwise, as to the facts and  
17 circumstances concerning any activity in the course of trade or commerce; examine  
18 under oath that person with respect to any activity in the course of trade or  
19 commerce; and execute in writing and cause to be served upon such person a civil  
20 investigative demand requiring the person to produce any relevant documentary  
21 material for inspection and copying.

22           **SECTION 263gs.** 100.18 (11) (c) 2. of the statutes is amended to read:

23           100.18 (11) (c) 2. The department of justice, in exercising powers under this  
24 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in  
25 any investigation.

1           **SECTION 263gu.** 100.18 (11) (c) 3. of the statutes is amended to read:

2           100.18 (11) (c) 3. Service of any notice by the department of justice requiring  
3 a person to file a statement or report, or service of a subpoena upon a person, or  
4 service of a civil investigative demand shall be made in compliance with the rules of  
5 civil procedure of this state.

6           **SECTION 263gx.** 100.18 (11) (c) 4. of the statutes is amended to read:

7           100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to  
8 comply with any civil investigative demand, or fails to obey any subpoena issued by  
9 the department of justice, such person may be coerced as provided in s. 885.12, except  
10 that no person shall be required to furnish any testimony or evidence under this  
11 subsection which might tend to incriminate the person.

12           **SECTION 263mb.** 100.18 (11) (d) of the statutes is amended to read:

13           100.18 (11) (d) ~~The department or the department of justice, after consulting~~  
14 ~~with the department,~~ or any district attorney, upon informing the department of  
15 justice, may commence an action in circuit court in the name of the state to restrain  
16 by temporary or permanent injunction any violation of this section. The court may  
17 in its discretion, prior to entry of final judgment, make such orders or judgments as  
18 may be necessary to restore to any person any pecuniary loss suffered because of the  
19 acts or practices involved in the action, provided proof thereof is submitted to the  
20 satisfaction of the court. ~~The department and the department of justice may~~  
21 ~~subpoena persons and require the production of books and other documents, and the~~  
22 ~~department of justice may request the department to exercise its authority under~~  
23 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

24           **SECTION 263mf.** 100.18 (11) (e) of the statutes is amended to read:

1           100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this  
2 section, the department or the department of justice may accept a written assurance  
3 of discontinuance of any act or practice alleged to be a violation of this section from  
4 the person who has engaged in such act or practice. The acceptance of such assurance  
5 by ~~either the department or the department of justice~~ shall be deemed acceptance by  
6 ~~the other state officials enumerated in par. (d)~~ any district attorney if the terms of  
7 the assurance so provide. An assurance entered into pursuant to this section shall  
8 not be considered evidence of a violation of this section, provided that violation of  
9 such an assurance shall be treated as a violation of this section, and shall be  
10 subjected to all the penalties and remedies provided therefor.

11           **SECTION 263mj.** 100.182 (5) (a) of the statutes is amended to read:

12           100.182 (5) (a) Any district attorney, after informing the department of justice,  
13 or the department of justice may seek a temporary or permanent injunction in circuit  
14 court to restrain any violation of this section. Prior to entering a final judgment the  
15 court may award damages to any person suffering monetary loss because of a  
16 violation. The department of justice may subpoena any person or require the  
17 production of any document to aid in investigating alleged violations of this section.

18           **SECTION 263mm.** 100.182 (5) (b) of the statutes is amended to read:

19           100.182 (5) (b) In lieu of instituting or continuing an action under this  
20 subsection, the department of justice may accept a written assurance from a violator  
21 of this section that the violation has ceased. If the terms of the assurance so provide,  
22 its acceptance by the department of justice prevents all district attorneys from  
23 prosecuting the violation. An assurance is not evidence of a violation of this section  
24 but violation of an assurance is subject to the penalties and remedies of violating this  
25 section.

1           **SECTION 263mp.** 100.20 (2) (a) of the statutes is amended to read:

2           100.20 (2) (a) The department of justice, after public hearing, may issue  
3           general orders forbidding methods of competition in business or trade practices in  
4           business which are determined by the department of justice to be unfair. The  
5           department of justice, after public hearing, may issue general orders proscribing  
6           methods of competition in business or trade practices in business which are  
7           determined by the department of justice to be fair.

8           **SECTION 263mr.** 100.20 (2) (b) of the statutes, as affected by 2001 Wisconsin  
9           Act 16, is amended to read:

10          100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue  
11          any order or promulgate any rule that regulates the provision of water or sewer  
12          service by a manufactured home park operator, as defined in s. 101.91 (8), or  
13          manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule  
14          to the extent that the rule regulates the provision of such water or sewer service.

15          **SECTION 263mt.** 100.20 (3) of the statutes is amended to read:

16          100.20 (3) The department of justice, after public hearing, may issue a special  
17          order against any person, enjoining such person from employing any method of  
18          competition in business or trade practice in business which is determined by the  
19          department of justice to be unfair or from providing service in violation of sub. (1t).  
20          The department of justice, after public hearing, may issue a special order against any  
21          person, requiring such person to employ the method of competition in business or  
22          trade practice in business which is determined by the department of justice to be fair.

23          **SECTION 263mv.** 100.20 (4) of the statutes is amended to read:

24          100.20 (4) ~~The~~ If the department of justice may file a written complaint with  
25          ~~the department alleging that the~~ has reason to believe that a person named is

1 employing unfair methods of competition in business or unfair trade practices in  
2 business or both. ~~Whenever such a complaint is filed, it shall be the duty of the~~  
3 department of justice to proceed, after proper notice and in accordance with its rules,  
4 to the hearing and adjudication of the ~~matters alleged, and a representative of the~~  
5 ~~department of justice designated by the attorney general may appear before the~~  
6 ~~department in such proceedings. The department of justice shall be entitled to~~  
7 ~~judicial review of the decisions and orders of the department under ch. 227 matter.~~

8 **SECTION 263mx.** 100.20 (6) of the statutes is amended to read:

9 100.20 (6) The department of justice may commence an action in circuit court  
10 in the name of the state to restrain by temporary or permanent injunction the  
11 violation of any order issued under this section. The court may in its discretion, prior  
12 to entry of final judgment make such orders or judgments as may be necessary to  
13 restore to any person any pecuniary loss suffered because of the acts or practices  
14 involved in the action, provided proof thereof is submitted to the satisfaction of the  
15 court. The department of justice may ~~use its authority in ss. 93.14 and 93.15 to~~  
16 investigate violations of any order issued under this section.

17 **SECTION 263mz.** 100.201 (6) (d) of the statutes is amended to read:

18 100.201 (6) (d) The failure to pay fees under this subsection within the time  
19 provided under par. (c) is a violation of this section. The department of justice may  
20 also commence an action to recover the amount of any overdue fees plus interest at  
21 the rate of 2% per month for each month that the fees are delinquent.

22 **SECTION 263nb.** 100.201 (8m) (intro.) of the statutes is amended to read:

23 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,  
24 acts or omissions which take place in whole or in part outside this state. In any action  
25 or administrative proceeding the department of justice has jurisdiction of the person

1 served under s. 801.11 when any act or omission outside this state by the defendant  
2 or respondent results in local injury or may have the effect of injuring competition  
3 or a competitor in this state or unfairly diverts trade or business from a competitor,  
4 if at the time:

5 **SECTION 263nd.** 100.201 (9) (b) of the statutes is amended to read:

6 100.201 (9) (b) The department, after public hearing held under s. 93.18, may  
7 issue a special order against any person requiring such person to cease and desist  
8 from acts, practices or omissions determined by the department to violate this  
9 section. Such orders shall be subject to judicial review under ch. 227. Any violation  
10 of a special order issued hereunder shall be punishable as a contempt under ch. 785  
11 in the manner provided for disobedience of a lawful order of a court, upon the filing  
12 of an affidavit by the department of justice of the commission of such violation in any  
13 court of record in the county where the violation occurred.

14 **SECTION 263nf.** 100.201 (9) (c) of the statutes is amended to read:

15 100.201 (9) (c) The department of justice, in addition to or in lieu of any other  
16 remedies herein provided, may apply to a circuit court for a temporary or permanent  
17 injunction to prevent, restrain or enjoin any person from violating this section or any  
18 special order of the department of agriculture, trade and consumer protection issued  
19 hereunder under this section, without being compelled to allege or prove that an  
20 adequate remedy at law does not exist.

21 **SECTION 263nj.** 100.205 (7) of the statutes is amended to read:

22 100.205 (7) The department of justice, or any district attorney on informing the  
23 department of justice, may commence an action in circuit court in the name of the  
24 state to restrain by temporary or permanent injunction any violation of this section.  
25 The court may, before entry of final judgment and after satisfactory proof, make



1 orders or judgments necessary to restore to any person any pecuniary loss suffered  
2 because of a violation of this section. The department of justice may conduct  
3 hearings, administer oaths, issue subpoenas and take testimony to aid in its  
4 investigation of violations of this section.

5 **SECTION 263nm.** 100.205 (8) of the statutes is amended to read:

6 100.205 (8) The department of justice or any district attorney may commence  
7 an action in the name of the state to recover a forfeiture to the state of not more than  
8 \$10,000 for each violation of this section.

9 **SECTION 263nn.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.)  
10 and amended to read:

11 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,  
12 “telecommunications:

13 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

14 **SECTION 263no.** 100.207 (1) (a) of the statutes is created to read:

15 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the  
16 department of justice.

17 **SECTION 263nq.** 100.207 (6) (b) 1. of the statutes is amended to read:

18 100.207 (6) (b) 1. The department of ~~justice, after consulting with the~~  
19 ~~department of agriculture, trade and consumer protection, or any district attorney~~  
20 ~~upon informing the department of agriculture, trade and consumer protection,~~ may  
21 commence an action in circuit court in the name of the state to restrain by temporary  
22 or permanent injunction any violation of this section. Injunctive relief may include  
23 an order directing telecommunications providers, as defined in s. 196.01 (8p), to  
24 discontinue telecommunications service provided to a person violating this section  
25 or ch. 196. Before entry of final judgment, the court may make such orders or

1 judgments as may be necessary to restore to any person any pecuniary loss suffered  
2 because of the acts or practices involved in the action if proof of these acts or practices  
3 is submitted to the satisfaction of the court.

4 **SECTION 263nt.** 100.207 (6) (b) 2. of the statutes is amended to read:

5 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~  
6 ~~to 93.16 and 100.18 (11) (e) to~~ shall administer this section. The department ~~and the~~  
7 ~~department of justice~~ may subpoena persons ~~and,~~ require the production of books  
8 and other documents, ~~and the department of justice may request the department of~~  
9 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~  
10 ~~investigation of~~ investigate alleged violations of this section.

11 **SECTION 263nv.** 100.207 (6) (c) of the statutes is amended to read:

12 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to  
13 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this  
14 paragraph shall be enforced by the department of justice, ~~after consulting with the~~  
15 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the  
16 department, by the district attorney of the county where the violation occurs.

17 **SECTION 263nz.** 100.207 (6) (em) 1. of the statutes is amended to read:

18 100.207 (6) (em) 1. Before preparing any proposed rule under this section, the  
19 department shall form an advisory group to suggest recommendations regarding the  
20 content and scope of the proposed rule. The advisory group shall consist of one or  
21 more persons who may be affected by the proposed rule, ~~a representative from the~~  
22 ~~department of justice~~ and a representative from the public service commission.

23 **SECTION 263pb.** 100.207 (6) (em) 2. of the statutes is amended to read:

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

4           **SECTION 263pf.** 100.208 (2) (intro.) of the statutes is amended to read:

5           100.208 (2) (intro.) The department of justice shall notify the public service  
6       commission if any of the following conditions exists:

7           **SECTION 263pj.** 100.208 (2) (b) of the statutes is amended to read:

8           100.208 (2) (b) The department of justice has issued an order under s. 100.20  
9       (3) prohibiting a telecommunications provider from engaging in an unfair trade  
10      practice or method of competition.

11          **SECTION 263pm.** 100.209 (3) of the statutes is amended to read:

12          100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not  
13      prohibit the department of justice from promulgating a rule or from issuing an order  
14      consistent with its authority under this chapter that gives a subscriber greater rights  
15      than the rights under sub. (2) or prohibit a city, village or town from enacting an  
16      ordinance that gives a subscriber greater rights than the rights under sub. (2).

17          **SECTION 263pp.** 100.209 (4) (b) of the statutes is amended to read:

18          100.209 (4) (b) The department of justice and the district attorneys of this state  
19      have concurrent authority to institute civil proceedings under this section.

20          **SECTION 263ps.** 100.2095 (6) (b) of the statutes is amended to read:

21          100.2095 (6) (b) The department of justice may commence an action in the  
22      name of the state to restrain by temporary or permanent injunction a violation of sub.  
23      (3), (4) or (5). Before entry of final judgment, the court may make any necessary  
24      orders to restore to any person any pecuniary loss suffered by the person because of  
25      the violation.

1           **SECTION 263pv.** 100.2095 (6) (c) of the statutes is amended to read:

2           100.2095 (6) (c) The department of justice or any district attorney may  
3 commence an action in the name of the state to recover a forfeiture to the state of not  
4 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).”.

5           **9.** Page 155, line 17: after that line insert:

6           **“SECTION 264d.** 100.21 (2) (a) of the statutes is amended to read:

7           100.21 (2) (a) No person may make an energy savings or safety claim without  
8 a reasonable and currently accepted scientific basis for the claim when the claim is  
9 made. Making an energy savings or safety claim without a reasonable and currently  
10 accepted scientific basis is also an unfair method of competition and trade practice  
11 prohibited under s. 100.20.

12           **SECTION 264h.** 100.21 (4) (a) (intro.) of the statutes is amended to read:

13           100.21 (4) (a) (intro.) The department may, after public hearing, issue general  
14 or special orders ~~under s. 100.20:~~

15           **SECTION 264p.** 100.22 (4) (b) of the statutes is amended to read:

16           100.22 (4) (b) The department of justice may, without alleging or proving that  
17 no other adequate remedy at law exists, bring an action to enjoin violations of this  
18 section or a special order issued under this section in the circuit court for the county  
19 where the alleged violation occurred.

20           **SECTION 264t.** 100.235 (11) (a) of the statutes is amended to read:

21           100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule  
22 promulgated or order issued under this section may be required to forfeit not less  
23 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~  
24 ~~may commence an action to recover a forfeiture under this paragraph.”.~~

1           **10.** Page 156, line 3: after that line insert:

2           “**SECTION 266m.** 100.26 (6) of the statutes is amended to read:

3           100.26 (6) ~~The department, the department of justice, after consulting with the~~  
4 ~~department, or any district attorney may commence an action in the name of the~~  
5 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~  
6 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.  
7 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~  
8 ~~protection or any district attorney may commence an action in the name of the state~~  
9 ~~to recover a civil~~ is subject to a forfeiture of not less than \$100 nor more than \$10,000  
10 for each violation. Any person violating an order issued under s. 100.20 is subject  
11 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each  
12 violation of an order issued under s. 100.20.”.

13           **11.** Page 156, line 9: after that line insert:

14           “**SECTION 267kb.** 100.261 (3) (b) of the statutes, as affected by 2001 Wisconsin  
15 Act 16, is amended to read:

16           100.261 (3) (b) The state treasurer shall deposit the consumer protection  
17 assessment amounts imposed for a violation of ch. 98, a rule promulgated under ch.  
18 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them  
19 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.  
20 (c).

21           **SECTION 267kd.** 100.261 (3) (d) of the statutes is created to read:

22           100.261 (3) (d) The state treasurer shall deposit the consumer protection  
23 assessment amounts imposed for a violation of this chapter, a rule promulgated  
24 under this chapter, or an ordinance enacted under this chapter in the general fund

1 and shall credit them to the appropriation account under s. 20.455 (1) (g), subject to  
2 the limit under par. (e).

3 **SECTION 267ke.** 100.261 (3) (e) of the statutes is created to read:

4 100.261 (3) (e) The amount credited to the appropriation account under s.  
5 20.455 (1) (g) may not exceed \$185,000 in each fiscal year.

6 **SECTION 267kf.** 100.263 of the statutes is amended to read:

7 **100.263 Recovery.** In addition to other remedies available under this chapter,  
8 the court may award ~~the department~~ the reasonable and necessary costs of  
9 investigation and an amount reasonably necessary to remedy the harmful effects of  
10 the violation and the court may award ~~the department of justice~~ the reasonable and  
11 necessary expenses of prosecution, including attorney fees, from any person who  
12 violates this chapter. ~~The department and the department of justice~~ amounts  
13 awarded under this subsection shall deposit be deposited in the state treasury for  
14 deposit in the general fund ~~all moneys that the court awards to the department, the~~  
15 ~~department of justice or the state under this section.~~ Ten percent of the money  
16 deposited in the general fund that was awarded under this section for the costs of  
17 investigation and the expenses of prosecution, including attorney fees, shall be  
18 credited to the appropriation account under s. 20.455 (1) (gh).

19 **SECTION 267kh.** 100.28 (4) (b) of the statutes is amended to read:

20 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the  
21 department of justice may seek an injunction restraining any person from violating  
22 this section.

23 **SECTION 267kj.** 100.28 (4) (c) of the statutes is amended to read:

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           **SECTION 267kL.** 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           **SECTION 267kn.** 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           **SECTION 267ko.** 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           **SECTION 267kp.** 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.

1           **SECTION 267kq.** 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.

5           **SECTION 267kr.** 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.

8           **SECTION 267ks.** 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.

11          **SECTION 267kt.** 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.

14          **SECTION 267ku.** 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.

22          **SECTION 267kv.** 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.



1           **SECTION 267kw.** 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).

7           **SECTION 267kx.** 100.50 (6) (b) of the statutes is amended to read:

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.

11           **SECTION 267ky.** 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).

15           **SECTION 267kz.** 100.52 (1) (bn) of the statutes is created to read:

16           100.52 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the  
17 department of justice.”.

18           **12.** Page 156, line 20: after that line insert:

19           **“SECTION 269m.** 101.175 (3) (intro.) of the statutes is amended to read:

20           101.175 (3) (intro.) The department, in consultation with the department of  
21 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality  
22 standards for local energy resource systems which do not impede development of  
23 innovative systems but which do.”.

24           **13.** Page 167, line 16: after that line insert:

1           **“SECTION 312m.** 134.71 (12) of the statutes is amended to read:

2           134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and  
3 consumer protection, in consultation with the department of justice, shall develop  
4 applications and other forms required under subs. (5) (intro.) and (8) (c). The  
5 department of agriculture, trade and consumer protection shall print a sufficient  
6 number of applications and forms to provide to counties and municipalities for  
7 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry  
8 dealers at no cost.

9           **SECTION 314m.** 136.03 (title) of the statutes is amended to read:

10           **136.03** (title) **Duties of the department of agriculture, trade and**  
11 **consumer protection justice.**

12           **SECTION 314p.** 136.03 (1) (intro.) of the statutes is amended to read:

13           136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~  
14 ~~protection of justice~~ shall investigate violations of this chapter and of rules and  
15 orders issued under s. 136.04. The department of justice may subpoena persons and  
16 records to facilitate its investigations, and may enforce compliance with such  
17 subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of  
18 the state:

19           **SECTION 314r.** 136.04 of the statutes is amended to read:

20           **136.04 Powers of the department of agriculture, trade and consumer**  
21 **protection justice.** (1) The department of ~~agriculture, trade and consumer~~  
22 ~~protection justice~~ may adopt such rules as may be required to carry out the purposes  
23 of this chapter.

24           (2) The department of ~~agriculture, trade and consumer protection justice~~ after  
25 public hearing may issue general or special orders to carry out the purposes of this

1 chapter and to determine and prohibit unfair trade practices in business or unfair  
2 methods of competition in business pursuant to s. 100.20 (2) to (4).”.

3 **14.** Page 173, line 16: after that line insert:

4 **“SECTION 338g.** 165.065 (2) of the statutes is amended to read:

5 165.065 (2) The assistant attorney general in charge of antitrust investigations  
6 and prosecutions is to cooperate actively with the antitrust division of the U.S.  
7 department of justice in everything that concerns monopolistic practices in  
8 Wisconsin, and also to cooperate actively with the department of agriculture, trade  
9 and consumer protection in the work which this agency is carrying on ~~under s. 100.20~~  
10 ~~of the marketing law~~ with regard to monopolistic practices in the field of agriculture  
11 and with the federal trade commission on matters arising in or affecting Wisconsin  
12 which pertain to its jurisdiction.

13 **SECTION 338m.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin  
14 Act 16, section 2856b, is amended to read:

15 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~  
16 ~~required by~~ represent the department of agriculture, trade and consumer protection  
17 in any court action relating to the enforcement of ~~ss. 100.171, 100.173, 100.174,~~  
18 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~  
19 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~  
20 ch. 126 and 100.01 to 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201,  
21 100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and  
22 100.48, together with any other services as are necessarily connected to the legal  
23 services.

24 **SECTION 338r.** 165.25 (11) of the statutes is created to read:

1           165.25 (11) CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT.  
2 Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095,  
3 100.28, 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and chs. 136, 344, 704,  
4 707, and 779. The department may issue general or special orders in administering  
5 and enforcing these provisions.”.

6           **15.** Page 211, line 13: after that line insert:

7           “SECTION 442g. 344.576 (3) (a) 5. of the statutes is amended to read:

8           344.576 (3) (a) 5. The address and telephone number of the department of  
9 ~~agriculture, trade and consumer protection~~ justice.

10          SECTION 442m. 344.576 (3) (c) of the statutes is amended to read:

11          344.576 (3) (c) The department of ~~agriculture, trade and consumer protection~~  
12 justice shall promulgate rules specifying the form of the notice required under par.  
13 (a), including the size of the paper and the type size and any highlighting of the  
14 information described in par. (a). The rule may specify additional information that  
15 must be included in the notice and the precise language that must be used.

16          SECTION 442r. 344.579 (2) (intro.) of the statutes is amended to read:

17          344.579 (2) ENFORCEMENT. (intro.) The department of ~~agriculture, trade and~~  
18 ~~consumer protection~~ justice shall investigate violations of ss. 344.574, 344.576 (1),  
19 (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade~~  
20 ~~and consumer protection~~ justice may on behalf of the state:”.

21          **16.** Page 222, line 15: after that line insert:

22          “SECTION 511bg. 704.90 (9) of the statutes is amended to read:

1           704.90 (9) RULES. The department of agriculture, ~~trade and consumer~~  
2 protection justice may promulgate rules necessary to carry out the purposes of this  
3 section.

4           **SECTION 511br.** 704.90 (11) (title) of the statutes is amended to read:

5           704.90 (11) (title) DUTIES OF THE DEPARTMENT OF AGRICULTURE, ~~TRADE AND~~  
6 ~~CONSUMER PROTECTION~~ JUSTICE.

7           **SECTION 511bz.** 704.90 (11) (a) of the statutes is amended to read:

8           704.90 (11) (a) Except as provided in par. (c), the department of agriculture,  
9 ~~trade and consumer protection~~ justice shall investigate alleged violations of this  
10 section and rules promulgated under sub. (9). To facilitate its investigations, the  
11 department may subpoena persons and records and may enforce compliance with the  
12 subpoenas as provided in s. 885.12.

13           **SECTION 511h.** 707.49 (4) of the statutes is amended to read:

14           707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an  
15 escrow account, a developer may obtain a surety bond issued by a company  
16 authorized to do business in this state, an irrevocable letter of credit or a similar  
17 arrangement, in an amount which at all times is not less than the amount of the  
18 deposits otherwise subject to the escrow requirements of this section. The bond,  
19 letter of credit or similar arrangement shall be filed with the department of  
20 agriculture, ~~trade and consumer protection~~ justice and made payable to the  
21 department of agriculture, ~~trade and consumer protection~~ justice for the benefit of  
22 aggrieved parties.

23           **SECTION 511k.** 707.57 (2) of the statutes is amended to read:

24           707.57 (2) DEPARTMENT OF AGRICULTURE, ~~TRADE AND CONSUMER PROTECTION~~  
25 JUSTICE AUTHORITY. (a) The department of agriculture, ~~trade and consumer~~

1 ~~protection~~ justice, or any district attorney upon informing the department of  
2 ~~agriculture, trade and consumer protection~~ justice, may commence an action in  
3 circuit court in the name of the state to restrain by temporary or permanent  
4 injunction any violation of this chapter. Before entry of final judgment, the court may  
5 make such orders or judgments as may be necessary to restore to any person any  
6 pecuniary loss suffered because of the acts or practices involved in the action if proof  
7 of these acts or practices is submitted to the satisfaction of the court.

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

11 **SECTION 511p.** 707.57 (3) of the statutes is amended to read:

12 707.57 (3) PENALTY. Any person who violates this chapter shall be required to  
13 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall  
14 be enforced by action on behalf of the state by the department of ~~agriculture, trade~~  
15 ~~and consumer protection~~ justice or by the district attorney of the county where the  
16 violation occurs.”.

17 **17.** Page 223, line 13: after that line insert:

18 “**SECTION 516g.** 779.41 (1m) of the statutes is amended to read:

19 779.41 (1m) Annually, on January 1, the department of ~~agriculture, trade and~~  
20 ~~consumer protection~~ justice shall adjust the dollar amounts identified under sub. (1)  
21 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as  
22 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

23 **SECTION 516n.** 779.93 (title) of the statutes is amended to read:

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

3           **SECTION 516p.** 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           **SECTION 516r.** 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          **18.** Page 352, line 18: after that line insert:

14          “(4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

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

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 21.0 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



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.

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

11           (h) *Decrease in positions.* The authorized FTE positions for the department of  
12 agriculture, trade and consumer protection, funded from the appropriation under  
13 section 20.115 (8) (jm), 1999 stats., are decreased by 5.5 PR positions.”.

14           **19.** Page 358, line 25: after that line insert:

15           “(2xz) INCREASE IN POSITIONS. The authorized FTE positions for the department  
16 of justice, funded from the appropriation under section 20.455 (1) (j) of the statutes,  
17 as created by this act, are increased by 5.5 PR positions.”.

18           **20.** Page 376, line 8: after that line insert:

19           “(14xz) CONSUMER PROTECTION TRANSFER.

20           (a) In the schedule under section 20.005 (3) of the statutes for the appropriation  
21 to the department of agriculture, trade and consumer protection under section  
22 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is  
23 decreased by \$2,292,100 for fiscal year 2002–03 to reflect the transfer of certain  
24 consumer protection programs, functions, and enforcement activities to the

1 department of justice and to decrease the authorized FTE positions for the  
2 department of agriculture, trade and consumer protection by 41.25 GPR positions  
3 related to those consumer protection programs, functions, and enforcement  
4 activities.

5 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation  
6 to the department of agriculture, trade and consumer protection under section  
7 20.115 (8) (a) of the statutes, as affected by the acts of 2001, the dollar amount is  
8 decreased by \$292,400 for fiscal year 2002–03 to reflect the transfer of certain  
9 consumer protection programs, functions, and enforcement activities to the  
10 department of justice and to decrease the authorized FTE positions for the  
11 department of agriculture, trade and consumer protection by 2.5 GPR positions  
12 related to those consumer protection programs, functions, and enforcement  
13 activities.”.

14 **21.** Page 399, line 3: after that line insert:

15 “(10xo) CONSUMER PROTECTION TRANSFER. In the schedule under section 20.005  
16 (3) of the statutes for the appropriation to the department of justice under section  
17 20.455 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is  
18 increased by \$1,502,200 for fiscal year 2002–03 to reflect the transfer of certain  
19 consumer protection programs, functions, and enforcement activities from the  
20 department of agriculture, trade and consumer protection and to increase the  
21 authorized FTE positions for the department of justice by 26.0 GPR positions related  
22 to those consumer protection programs, functions, and enforcement activities.”.

23 **22.** Page 445, line 5: after that line insert:

