



*→ Very soon*

SDC:.....Keckhaver - CN1015, Transfer of certain consumer protection functions from DATCP to DOJ

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

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

- 2 **1.** Page 107, line 17: decrease the dollar amount for fiscal year 2001-02 by  
3 \$1,228,600 and decrease the dollar amount for fiscal year 2002-03 by \$2,106,100,  
4 and adjust the NET APPROPRIATION totals accordingly, to reflect the transfer of  
5 certain consumer information programs, functions, and enforcement activities to the  
6 department of justice and to decrease the authorized FTE positions of the  
7 department of agriculture, trade and consumer protection by 37.25 GPR positions  
8 related to those consumer information programs, functions, and enforcement  
9 activities.

1           **2.** Page 107, line 17: increase the dollar amount for fiscal year 2001–02 by  
2           \$33,400 and increase the dollar amount for fiscal year 2002–03 by \$57,200, and  
3           adjust the NET APPROPRIATION totals accordingly, to transfer funding for 1.0 FTE  
4           GPR position of the department of agriculture, trade and consumer protection that  
5           is related to the enforcement of chapter 98 of the statutes.

6           **3.** Page 107, line 18: delete that line.

7           **4.** Page 112, line 8: decrease the dollar amount for fiscal year 2001–02 by  
8           \$170,500 and decrease the dollar amount for fiscal year 2002–03 by \$292,400 to  
9           reflect the transfer of certain consumer information programs, functions, and  
10          enforcement activities to the department of justice and to decrease the authorized  
11          FTE positions of the department of agriculture, trade and consumer protection by 2.5  
12          GPR positions related to those consumer information programs, functions, and  
13          enforcement activities.

14          **5.** Page 228, line 3: increase the dollar amount for fiscal year 2001–02 by  
15          \$765,700 and increase the dollar amount for fiscal year 2002–03 by \$1,502,200 to  
16          reflect the transfer of certain consumer information programs, functions, and  
17          enforcement activities from the department of agriculture, trade, and consumer  
18          protection and to increase the authorized FTE positions of the department of justice  
19          by 26.0 GPR positions related to those consumer information programs, functions,  
20          and enforcement activities.

21          **6.** Page 228, line 5: after that line insert:

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(g) Consumer protection ~~and~~  
~~summer~~ information, and educa-  
tion

PR A 175,000 175,000".

7. Page 294, line 2: before that line insert:

"SECTION 395m. 20.115 (1) (c) of the statutes is repealed.

SECTION 400m. 20.115 (1) (hm) of the statutes is amended to read:

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

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SECTION 400m. 20.115 (1) (jb) of the statutes is amended to read:

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

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8. Page 377, line 4: after that line insert:

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

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

SECTION 762r. 20.455 (1) (g) of the statutes is created to read:

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20.455 (1) (g) *Consumer protection and consumer information and education.*

The amounts in the schedule for consumer protection and consumer information and education. All moneys received under s. 100.261 (3) (b) 3 shall be credited to this appropriation account, subject to the limit under s. 100.261 (3) (b) 4."

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1           **9.** Page 882, line 16: after that line insert:

2           “**SECTION 2383m.** 93.07 (1) of the statutes is amended to read:

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

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

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

15          **SECTION 2383q.** 93.07 (24) of the statutes is amended to read:

16          93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.  
17 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

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

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

23          (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article  
24 of food, drink, condiment or drug made or offered for sale within this state which it

1 may suspect or have reason to believe, under the laws administered by the  
2 department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or  
3 in any way unlawful.

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

9 **SECTION 2387m.** 93.18 (3) of the statutes is amended to read:

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

22 **SECTION 2387r.** 93.18 (7) of the statutes is created to read:

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

1           **SECTION 2388m.** 93.20 (1) of the statutes is amended to read:

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

6           **SECTION 2389k.** 93.22 (1) of the statutes is amended to read:

7           93.22 (1) In cases arising under chs. 88 and 93 to ~~100 99~~ and ss. 100.206, 100.21,  
8 100.30, and 100.51, the department may be represented by its attorney.

9           **SECTION 2389m.** 93.22 (2) of the statutes is amended to read:

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

14           **10.** Page 889, line 1: after that line insert:

15           **“SECTION 2404m.** 100.03 (11) of the statutes is amended to read:

16           100.03 (11) DEPARTMENT MAY COLLECT PRODUCER CLAIMS. The department may  
17 demand and receive payment of claims allowed under sub. (9) on behalf of producers  
18 ~~and may commence an action in court to recover allowed claims on behalf of~~  
19 ~~producers. Any amounts recovered by the department shall be distributed to~~  
20 ~~represented producer claimants on a proportionate basis, according to the amount~~  
21 ~~of each producer’s allowed claim. The department may settle any producer claim~~  
22 ~~with the consent of the producer and may decline to represent a producer who does~~  
23 ~~not agree to a settlement recommended by the department. This subsection does not~~

1 prohibit any producer from proceeding independently, under sub. (12) or (20), to  
2 recover an unpaid claim.

3 **SECTION 2405c.** 100.06 (4) (d) of the statutes is amended to read:

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

11 **SECTION 2405d.** 100.07 (6) of the statutes is amended to read:

12 100.07 (6) ~~Action~~ Upon request of the department, an action to enjoin violation  
13 of this section may be commenced and prosecuted by the department of justice in the  
14 name of the state in any court having equity jurisdiction.

15 **SECTION 2405g.** 100.171 (7) (b) of the statutes is amended to read:

16 100.171 (7) (b) Whoever intentionally violates this section may be fined not  
17 more than \$10,000 or imprisoned for not more than 3 years or both. A person  
18 intentionally violates this section if the violation occurs after the department of  
19 justice or a district attorney has notified the person by certified mail that the person  
20 is in violation of this section.

21 **SECTION 2405h.** 100.171 (8) (intro.) of the statutes is amended to read:

22 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate  
23 violations of this section. The department of justice or any district attorney may on  
24 behalf of the state:

25 **SECTION 2405j.** 100.173 (4) (intro.) of the statutes is amended to read:

1           100.173 (4) (intro.) The department of justice shall investigate violations of this  
2 section. The department of justice, or any district attorney upon informing the  
3 department of justice, may, on behalf of the state, do any of the following:

4           **SECTION 2405k.** 100.173 (4) (a) of the statutes is amended to read:

5           100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in  
6 any court of competent jurisdiction for any violation of this section. The relief sought  
7 by the department of justice or district attorney may include the payment by a  
8 promoter into an escrow account of an amount estimated to be sufficient to pay for  
9 ticket refunds. The court may, upon entry of final judgment, award restitution when  
10 appropriate to any person suffering loss because of violations of this section if proof  
11 of such loss is submitted to the satisfaction of the court.

12           **SECTION 2405m.** 100.174 (5) (intro.) of the statutes is amended to read:

13           100.174 (5) (intro). The department of justice or any district attorney may on  
14 behalf of the state:

15           **SECTION 2405n.** 100.174 (6) of the statutes is amended to read:

16           100.174 (6) The department of justice shall investigate violations of and  
17 enforce this section.

18           **SECTION 2405p.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

19           100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to  
20 pay more than \$100 for dating services before the buyer receives or has the  
21 opportunity to receive those services unless the person selling dating services  
22 establishes proof of financial responsibility by maintaining any of the following  
23 commitments approved by the department of justice in an amount not less than  
24 \$25,000:

25           **SECTION 2405q.** 100.175 (5) (b) of the statutes is amended to read:



1           100.175 (5) (b) The commitment described in par. (a) shall be established in  
2 favor of or made payable to the state, for the benefit of any buyer who does not receive  
3 a refund under the contractual provision described in sub. (3). The person selling  
4 dating services shall file with the department of justice any agreement, instrument  
5 or other document necessary to enforce the commitment against the person selling  
6 dating services or any relevant 3rd party, or both.

7           **SECTION 2405r.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

8           100.175 (7) (a) (intro.) The department of justice or any district attorney may  
9 on behalf of the state:

10          **SECTION 2405rm.** 100.175 (7) (b) of the statutes is amended to read:

11          100.175 (7) (b) The department of justice may bring an action in circuit court  
12 to recover on a financial commitment maintained under sub. (5) against a person  
13 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does  
14 not receive a refund due under the contractual provision described in sub. (3).

15          **SECTION 2405s.** 100.177 (1) (bm) of the statutes is created to read:

16          100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the  
17 department of justice.

18          **SECTION 2405t.** 100.178 (1) (b) of the statutes is amended to read:

19          100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the  
20 department of ~~health and family services~~ justice.

21          **SECTION 2405u.** 100.18 (11) (a) of the statutes is amended to read:

22          100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~  
23 justice shall enforce this section. Actions to enjoin violation of this section or any  
24 regulations thereunder may be commenced and prosecuted by the department of

1 justice in the name of the state in any court having equity jurisdiction. This remedy  
2 is not exclusive.

3 **SECTION 2405um.** 100.18 (11) (b) 3. of the statutes is amended to read:

4 100.18 (11) (b) 3. No action may be commenced under this section more than  
5 3 years after the occurrence of the unlawful act or practice which is the subject of the  
6 action. No injunction may be issued under this section which would conflict with  
7 general or special orders of the department of justice or any statute, rule or  
8 regulation of the United States or of this state.

9 **SECTION 2405wc.** 100.18 (11) (c) 1. of the statutes is amended to read:

10 100.18 (11) (c) 1. Whenever the department of justice has reason to believe that  
11 a person is in possession, custody or control of any information or documentary  
12 material relevant to the enforcement of this section it may require that person to  
13 submit a statement or report, under oath or otherwise, as to the facts and  
14 circumstances concerning any activity in the course of trade or commerce; examine  
15 under oath that person with respect to any activity in the course of trade or  
16 commerce; and execute in writing and cause to be served upon such person a civil  
17 investigative demand requiring the person to produce any relevant documentary  
18 material for inspection and copying.

19 **SECTION 2405we.** 100.18 (11) (c) 2. of the statutes is amended to read:

20 100.18 (11) (c) 2. The department of justice, in exercising powers under this  
21 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in  
22 any investigation.

23 **SECTION 2405wg.** 100.18 (11) (c) 3. of the statutes is amended to read:

24 100.18 (11) (c) 3. Service of any notice by the department of justice requiring  
25 a person to file a statement or report, or service of a subpoena upon a person, or

1 service of a civil investigative demand shall be made in compliance with the rules of  
2 civil procedure of this state.

3 **SECTION 2405wj.** 100.18 (11) (c) 4. of the statutes is amended to read:

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

9 **SECTION 2406m.** 100.18 (11) (d) of the statutes is amended to read:

10 100.18 (11) (d) ~~The department or the department of justice, after consulting~~  
11 ~~with the department,~~ or any district attorney, upon informing the department of  
12 justice, may commence an action in circuit court in the name of the state to restrain  
13 by temporary or permanent injunction any violation of this section. The court may  
14 in its discretion, prior to entry of final judgment, make such orders or judgments as  
15 may be necessary to restore to any person any pecuniary loss suffered because of the  
16 acts or practices involved in the action, provided proof thereof is submitted to the  
17 satisfaction of the court. ~~The department and the department of justice may~~  
18 ~~subpoena persons and require the production of books and other documents, and the~~  
19 ~~department of justice may request the department to exercise its authority under~~  
20 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

21 **SECTION 2407d.** 100.18 (11) (e) of the statutes is amended to read:

22 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this  
23 section, ~~the department or the department of justice~~ may accept a written assurance  
24 of discontinuance of any act or practice alleged to be a violation of this section from  
25 the person who has engaged in such act or practice. The acceptance of such assurance

1 by ~~either the department or the department of justice~~ shall be deemed acceptance by  
2 ~~the other state officials enumerated in par. (d) any district attorney~~ if the terms of  
3 the assurance so provide. An assurance entered into pursuant to this section shall  
4 not be considered evidence of a violation of this section, provided that violation of  
5 such an assurance shall be treated as a violation of this section, and shall be  
6 subjected to all the penalties and remedies provided therefor.

7 **SECTION 2407g.** 100.182 (5) (a) of the statutes is amended to read:

8 100.182 (5) (a) Any district attorney, after informing the department of justice,  
9 or the department of justice may seek a temporary or permanent injunction in circuit  
10 court to restrain any violation of this section. Prior to entering a final judgment the  
11 court may award damages to any person suffering monetary loss because of a  
12 violation. The department of justice may subpoena any person or require the  
13 production of any document to aid in investigating alleged violations of this section.

14 **SECTION 2407m.** 100.182 (5) (b) of the statutes is amended to read:

15 100.182 (5) (b) In lieu of instituting or continuing an action under this  
16 subsection, the department of justice may accept a written assurance from a violator  
17 of this section that the violation has ceased. If the terms of the assurance so provide,  
18 its acceptance by the department of justice prevents all district attorneys from  
19 prosecuting the violation. An assurance is not evidence of a violation of this section  
20 but violation of an assurance is subject to the penalties and remedies of violating this  
21 section.

22 **SECTION 2407r.** 100.20 (2) (a) of the statutes is amended to read:

23 100.20 (2) (a) The department of justice, after public hearing, may issue  
24 general orders forbidding methods of competition in business or trade practices in  
25 business which are determined by the department of justice to be unfair. The

1 department of justice, after public hearing, may issue general orders prescribing  
2 methods of competition in business or trade practices in business which are  
3 determined by the department of justice to be fair. //

4 # , Page 889, line 3: after "department" insert "of justice".  
~~SECTION 2407rmgg. 100.20 (2) (b) of the statutes is amended to read:~~

5 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue  
6 any order or promulgate any rule that regulates the provision of water or sewer  
7 service by a mobile home park operator, as defined in s. 196.01 (3t), or mobile home  
8 park contractor, as defined in s. 196.01 (3q), or enforce any rule to the extent that the  
9 rule regulates the provision of such water or sewer service".

10 11. Page 889, line 8: after that line insert:

11 "SECTION 2408m. 100.20 (3) of the statutes is amended to read:

12 100.20 (3) The department of justice, after public hearing, may issue a special  
13 order against any person, enjoining such person from employing any method of  
14 competition in business or trade practice in business which is determined by the  
15 department of justice to be unfair or from providing service in violation of sub. (1t).  
16 The department of justice, after public hearing, may issue a special order against any  
17 person, requiring such person to employ the method of competition in business or  
18 trade practice in business which is determined by the department of justice to be fair.

19 SECTION 2409b. 100.20 (4) of the statutes is amended to read:

20 100.20 (4) ~~The~~ If the department of justice ~~may file a written complaint with~~  
21 ~~the department alleging that the~~ has reason to believe that a person named is  
22 employing unfair methods of competition in business or unfair trade practices in  
23 business or both. ~~Whenever such a complaint is filed,~~ it shall be the duty of the  
24 department of justice to proceed, after proper notice and in accordance with its rules,

1 to the hearing and adjudication of the ~~matters alleged, and a representative of the~~  
2 ~~department of justice designated by the attorney general may appear before the~~  
3 ~~department in such proceedings. The department of justice shall be entitled to~~  
4 ~~judicial review of the decisions and orders of the department under ch. 227 matter.~~

5 **SECTION 2409c.** 100.20 (6) of the statutes is amended to read:

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

14 **SECTION 2409d.** 100.201 (6) (d) of the statutes is amended to read:

15 100.201 (6) (d) The failure to pay fees under this subsection within the time  
16 provided under par. (c) is a violation of this section. The department of justice may  
17 also commence an action to recover the amount of any overdue fees plus interest at  
18 the rate of 2% per month for each month that the fees are delinquent.

19 **SECTION 2409e.** 100.201 (8m) (intro.) of the statutes is amended to read:

20 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,  
21 acts or omissions which take place in whole or in part outside this state. In any action  
22 or administrative proceeding the department of justice has jurisdiction of the person  
23 served under s. 801.11 when any act or omission outside this state by the defendant  
24 or respondent results in local injury or may have the effect of injuring competition

1 or a competitor in this state or unfairly diverts trade or business from a competitor,  
2 if at the time:

3 **SECTION 2409f.** 100.201 (9) (b) of the statutes is amended to read:

4 100.201 (9) (b) The department, after public hearing held under s. 93.18, may  
5 issue a special order against any person requiring such person to cease and desist  
6 from acts, practices or omissions determined by the department to violate this  
7 section. Such orders shall be subject to judicial review under ch. 227. Any violation  
8 of a special order issued hereunder shall be punishable as a contempt under ch. 785  
9 in the manner provided for disobedience of a lawful order of a court, upon the filing  
10 of an affidavit by the department of justice of the commission of such violation in any  
11 court of record in the county where the violation occurred.

12 **SECTION 2409g.** 100.201 (9) (c) of the statutes is amended to read:

13 100.201 (9) (c) The department of justice, in addition to or in lieu of any other  
14 remedies herein provided, may apply to a circuit court for a temporary or permanent  
15 injunction to prevent, restrain or enjoin any person from violating this section or any  
16 special order of the department of agriculture, trade and consumer protection issued  
17 hereunder under this section, without being compelled to allege or prove that an  
18 adequate remedy at law does not exist.

19 **SECTION 2409p.** 100.205 (7) of the statutes is amended to read:

20 100.205 (7) The department of justice, or any district attorney on informing the  
21 department of justice, may commence an action in circuit court in the name of the  
22 state to restrain by temporary or permanent injunction any violation of this section.  
23 The court may, before entry of final judgment and after satisfactory proof, make  
24 orders or judgments necessary to restore to any person any pecuniary loss suffered  
25 because of a violation of this section. The department of justice may conduct

1 hearings, administer oaths, issue subpoenas and take testimony to aid in its  
2 investigation of violations of this section.

3 **SECTION 2409r.** 100.205 (8) of the statutes is amended to read:

4 100.205 (8) The department of justice or any district attorney may commence  
5 an action in the name of the state to recover a forfeiture to the state of not more than  
6 \$10,000 for each violation of this section.

7 **SECTION 2410m.** 100.207 (6) (b) 1. of the statutes is amended to read:

8 100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~  
9 ~~department of agriculture, trade and consumer protection,~~ or any district attorney  
10 upon informing the department of ~~agriculture, trade and consumer protection~~  
11 justice, may commence an action in circuit court in the name of the state to restrain  
12 by temporary or permanent injunction any violation of this section. Injunctive relief  
13 may include an order directing telecommunications providers, as defined in s. 196.01  
14 (8p), to discontinue telecommunications service provided to a person violating this  
15 section or ch. 196. Before entry of final judgment, the court may make such orders  
16 or judgments as may be necessary to restore to any person any pecuniary loss  
17 suffered because of the acts or practices involved in the action if proof of these acts  
18 or practices is submitted to the satisfaction of the court.

19 **SECTION 2411m.** 100.207 (6) (b) 2. of the statutes is amended to read:

20 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~  
21 ~~to 93.16 and 100.18 (11) (c) to~~ of justice shall administer this section. The department  
22 ~~and the department~~ of justice may subpoena persons ~~and,~~ require the production of  
23 books and other documents, and ~~the department of justice may request the~~  
24 ~~department of agriculture, trade and consumer protection to exercise its authority~~  
25 ~~to aid in the investigation of~~ investigate alleged violations of this section.



1           **SECTION 2412m.** 100.207 (6) (c) of the statutes is amended to read:

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

8           **SECTION 2412q.** 100.207 (6) (e) of the statutes is amended to read:

9           100.207 (6) (e) Subject to par. (em), the department of justice shall promulgate  
10          rules under this section.

11          **SECTION 2413c.** 100.207 (6) (em) 1. of the statutes is amended to read:

12          100.207 (6) (em) 1. Before preparing any proposed rule under this section, the  
13          department of justice shall form an advisory group to suggest recommendations  
14          regarding the content and scope of the proposed rule. The advisory group shall  
15          consist of one or more persons who may be affected by the proposed rule, ~~a~~  
16          ~~representative from the department of justice~~ and a representative from the public  
17          service commission.

18          **SECTION 2413e.** 100.207 (6) (em) 2. of the statutes is amended to read:

19          100.207 (6) (em) 2. The department of justice shall submit the  
20          recommendations under subd. 1., if any, to the legislature as part of the report  
21          required under s. 227.19 (2) ~~and to the board of agriculture, trade and consumer~~  
22          ~~protection.~~

23          **SECTION 2413g.** 100.208 (2) (intro.) of the statutes is amended to read:

24          100.208 (2) (intro.) The department of justice shall notify the public service  
25          commission if any of the following conditions exists:

1           **SECTION 2413h.** 100.208 (2) (b) of the statutes is amended to read:

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

5           **SECTION 2413j.** 100.209 (3) of the statutes is amended to read:

6           100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not  
7 prohibit the department of justice from promulgating a rule or from issuing an order  
8 consistent with its authority under this chapter that gives a subscriber greater rights  
9 than the rights under sub. (2) or prohibit a city, village or town from enacting an  
10 ordinance that gives a subscriber greater rights than the rights under sub. (2).

11           **SECTION 2413k.** 100.209 (4) (b) of the statutes is amended to read:

12           100.209 (4) (b) The department of justice and the district attorneys of this state  
13 have concurrent authority to institute civil proceedings under this section.

14           **SECTION 2413m.** 100.2095 (6) (b) of the statutes is amended to read:

15           100.2095 (6) (b) The department of justice may commence an action in the  
16 name of the state to restrain by temporary or permanent injunction a violation of sub.  
17 (3), (4) or (5). Before entry of final judgment, the court may make any necessary  
18 orders to restore to any person any pecuniary loss suffered by the person because of  
19 the violation.

20           **SECTION 2413n.** 100.2095 (6) (c) of the statutes is amended to read:

21           100.2095 (6) (c) The department of justice or any district attorney may  
22 commence an action in the name of the state to recover a forfeiture to the state of not  
23 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

24           **SECTION 2413p.** 100.21 (2) (a) of the statutes is amended to read:

1           100.21 (2) (a) No person may make an energy savings or safety claim without  
2 a reasonable and currently accepted scientific basis for the claim when the claim is  
3 made. Making an energy savings or safety claim without a reasonable and currently  
4 accepted scientific basis is also an unfair method of competition and trade practice  
5 prohibited under s. 100.20.

6           **SECTION 2413r.** 100.21 (4) (a) (intro.) of the statutes is amended to read:

7           100.21 (4) (a) (intro.) The department may, after public hearing, issue general  
8 or special orders ~~under s. 100.20:~~

9           **SECTION 2413t.** 100.22 (4) (b) of the statutes is amended to read:

10           100.22 (4) (b) The department of justice may, without alleging or proving that  
11 no other adequate remedy at law exists, bring an action to enjoin violations of this  
12 section or a special order issued under this section in the circuit court for the county  
13 where the alleged violation occurred.

14           **SECTION 2418m.** 100.235 (11) (a) of the statutes is amended to read:

15           100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule  
16 promulgated or order issued under this section may be required to forfeit not less  
17 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~  
18 ~~may commence an action to recover a forfeiture under this paragraph.~~

19           **SECTION 2421m.** 100.26 (6) of the statutes is amended to read:

20           100.26 (6) ~~The department, the department of justice, after consulting with the~~  
21 ~~department, or any district attorney may commence an action in the name of the~~  
22 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~  
23 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.  
24 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~  
25 ~~protection or any district attorney may commence an action in the name of the state~~

1 to recover a civil is subject to a forfeiture of not less than \$100 nor more than \$10,000  
2 for each violation. Any person violating an order issued under s. 100.20 is subject  
3 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each  
4 violation of an order issued under s. 100.20.”

Fix component

5 ✓ 12. Page 890, line 7: <sup>8 delete lines 8 to 12 and substitute:</sup> After that line insert 2426b renumbered 100.261(3)(b) and

“SECTION ~~2426b~~ 100.261 (3) (b) 1. of the statutes is amended to read:  
100.261 (3) (b) (1) The state treasurer shall deposit the <sup>consumer protection</sup> assessment amounts

8 imposed for a violation of ch. 98, a rule promulgated under ch. 98, or an ordinance  
9 enacted under ch. 98 in the general fund and shall credit them to the appropriation  
10 account under s. 20.115 (1) (jb), subject to the limit under subd. 2, <sup>strike period (par. (c))</sup> ”.

11 P# Page 890, line 16: after that line insert:

“SECTION ~~2427b~~ 100.261 (3) (b) 3. of the statutes is created to read:

12 100.261 (3) (b) 3. The state treasurer shall deposit the <sup>consumer protection</sup> assessment amounts

13 imposed for a violation of this chapter, a rule promulgated under this chapter, or an  
14 ordinance enacted under this chapter in the general fund and shall credit them to  
15 the appropriation account under s. 20.455 (1) (g), subject to the limit under <sup>par. (e)</sup> ~~subd. 4~~ ”.

16 SECTION ~~2427d~~ 100.261 (3) (b) 4. of the statutes is created to read:

17 100.261 (3) (b) 4. The amount credited to the appropriation account under s.

18 20.455 (1) (g) may not exceed \$185,000 in each fiscal year.”.

19 **13.** Page 890, line 16: after that line insert:

20 “SECTION **2428m.** 100.263 of the statutes is amended to read:

21 **100.263 Recovery.** In addition to other remedies available under this chapter,  
22 the court may award ~~the department~~ the reasonable and necessary costs of  
23 investigation and an amount reasonably necessary to remedy the harmful effects of  
24 the violation and the court may award ~~the department of justice~~ the reasonable and

1 necessary expenses of prosecution, including attorney fees, from any person who  
2 violates this chapter. ~~The department and the department of justice amounts~~  
3 ~~awarded under this subsection shall deposit be deposited~~ in the state treasury for  
4 deposit in the general fund ~~all moneys that the court awards to the department, the~~  
5 ~~department of justice or the state under this section.~~ Ten percent of the money  
6 deposited in the general fund that was awarded under this section for the costs of  
7 investigation and the expenses of prosecution, including attorney fees, shall be  
8 credited to the appropriation account under s. 20.455 (1) (gh).

9 **SECTION 2429g.** 100.28 (4) (b) of the statutes is amended to read:

10 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the  
11 department of justice may seek an injunction restraining any person from violating  
12 this section.

13 **SECTION 2429m.** 100.28 (4) (c) of the statutes is amended to read:

14 100.28 (4) (c) The department of justice, or any district attorney upon the  
15 request of the department of justice, may commence an action in the name of the  
16 state under par. (a) or (b).

17 **SECTION 2430c.** 100.31 (4) of the statutes is amended to read:

18 100.31 (4) PENALTIES. For any violation of this section, the department of  
19 justice or a district attorney may commence an action on behalf of the state to recover  
20 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each  
21 delivery of a drug sold to a purchaser at a price in violation of this section and each  
22 separate day in violation of an injunction issued under this section is a separate  
23 offense.

24 **SECTION 2430f.** 100.31 (5) of the statutes is amended to read:

1           100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney  
2 may bring an action to enjoin a violation of this section without being compelled to  
3 allege or prove that an adequate remedy at law does not exist. An action under this  
4 subsection may be commenced and prosecuted by the department of justice or a  
5 district attorney, in the name of the state, in a circuit court in the county where the  
6 offense occurred or in Dane County, notwithstanding s. 801.50.

7           **SECTION 2430h.** 100.37 (1) (am) of the statutes is created to read:

8           100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the  
9 department of justice.

10          **SECTION 2432g.** 100.38 (5) of the statutes is amended to read:

11          100.38 (5) INSPECTION. The department of justice shall enforce this section by  
12 inspection, chemical analyses or any other appropriate method and the department  
13 of justice may promulgate such rules as are necessary to effectively enforce this  
14 section.

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

16          100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is  
17 adulterated or misbranded. In addition to the penalties provided under sub. (7), the  
18 department of justice may bring an action to enjoin violations of this section.

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

20          100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the  
21 department of justice.

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

23          100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the  
24 department of justice.

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

1           100.43 (1) (am) Notwithstanding s. 93.01 (3), “department” means the  
2 department of justice.

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

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

11           **14.** Page 890, line 25: after that line insert:

12           **“SECTION 2434g.** 100.46 (1) of the statutes is amended to read:

13           100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by  
14 rule adopt energy conservation standards for products that have been established in  
15 or promulgated under 42 USC 6291 to 6309.

16           **SECTION 2434i.** 100.46 (2) of the statutes is amended to read:

17           100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install  
18 or cause to be installed any product that is not in compliance with rules promulgated  
19 under sub. (1). In addition to other penalties and enforcement procedures, the  
20 department of justice may apply to a court for a temporary or permanent injunction  
21 restraining any person from violating a rule adopted under sub. (1).

22           **SECTION 2434k.** 100.50 (6) (b) of the statutes is amended to read:

1           100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the  
2 department of justice may seek an injunction restraining any person from violating  
3 this section.

4           **SECTION 2434m.** 100.50 (6) (c) of the statutes is amended to read:

5           100.50 (6) (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           **15.** Page 898, line 20: after that line insert:

9           **“SECTION 2489m.** 101.175 (3) (intro.) of the statutes is amended to read:

10           101.175 (3) (intro.) The department, in consultation with the department of  
11 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality  
12 standards for local energy resource systems which do not impede development of  
13 innovative systems but which do.”.

→ Insert 24-13

\* (14)

**16.** Page ~~490~~, line 10: after that line insert:

→ 940

15           **“SECTION 2828g.** 136.03 (title) of the statutes is amended to read:

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

18           **SECTION 2828j.** 136.03 (1) (intro.) of the statutes is amended to read:

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



1           **SECTION 2828m.** 136.04 of the statutes is amended to read:

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

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

10           **17.** Page 958, line 25: after that line insert:

11           “**SECTION 2854g.** 165.065 (2) of the statutes is amended to read:

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

20           **18.** Page 959, line 8: delete lines 8 to 14 and substitute:

21           “**SECTION 2855b.** 165.25 (4) (ar) of the statutes is amended to read:

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

1 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~  
 2 ~~100.28, 100.50 and 100.51 and chs. 136, 344, 704, 707 and 779 100.01 to 100.03,~~  
 3 ~~100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.22, 100.235, 100.27,~~  
 4 ~~100.285 to 100.297, 100.33 to 100.36, 100.37, 100.42, 100.45, 100.47, and 100.48,~~  
 5 together with any other services as are necessarily connected to the legal services.”

✓ \*\*\*\*NOTE MGG In s. 165.25 (4) (ar), I added “100.37, 100.42” from SEC. 2855 of the Budget. OK? (kmg)

6 **19.** Page 959, line 24: after that line insert:

7 “SECTION 2856g. 165.25 (11) of the statutes is created to read:

8 165.25 (11) CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT.

9 Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095,  
 10 100.28, 100.31, 100.37 to 100.44, 100.46, and 100.50 and chs. 136, 344, 704, 707 and  
 11 779. The department may issue general or special orders in administering and  
 12 enforcing these provisions.”

13 **20.** Page 1118, line 21: after that line insert:

14 “SECTION 3427r. 344.576 (3) (a) 5. of the statutes is amended to read:

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

17 SECTION 3427t. 344.576 (3) (c) of the statutes is amended to read:

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

23 SECTION 3427y. 344.579 (2) (intro.) of the statutes is amended to read:

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

5           **21.** Page 1182, line 6: after that line insert:

6           “**SECTION 3769m.** 704.90 (9) of the statutes is amended to read:

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

10           **SECTION 3770d.** 704.90 (11) (title) of the statutes is amended to read:

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

13           **SECTION 3770f.** 704.90 (11) (a) of the statutes is amended to read:

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

19           **SECTION 3770h.** 707.49 (4) of the statutes is amended to read:

20           707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an  
21 escrow account, a developer may obtain a surety bond issued by a company  
22 authorized to do business in this state, an irrevocable letter of credit or a similar  
23 arrangement, in an amount which at all times is not less than the amount of the  
24 deposits otherwise subject to the escrow requirements of this section. The bond,

1 letter of credit or similar arrangement shall be filed with the department of  
2 ~~agriculture, trade and consumer protection justice~~ and made payable to the  
3 department of ~~agriculture, trade and consumer protection justice~~ for the benefit of  
4 aggrieved parties.

5 **SECTION 3770k.** 707.57 (2) of the statutes is amended to read:

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

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

18 **SECTION 3770m.** 707.57 (3) of the statutes is amended to read:

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

24 **22.** Page 1200, line 8: after that line insert:

1           “**SECTION 3816g.** 779.41 (1m) of the statutes is amended to read:

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

6           **SECTION 3816j.** 779.93 (title) of the statutes is amended to read:

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

9           **SECTION 3816m.** 779.93 (1) of the statutes is amended to read:

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

15          **SECTION 3816p.** 779.93 (2) (intro.) of the statutes is amended to read:

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

19          **23.** Page 1300, line 12: after that line insert:

20          “(4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS

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

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

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

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

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

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

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

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

1 on finance for consideration by the committee, and the committee shall affirm or  
2 modify the decision. The department of justice shall carry out the obligations under  
3 these contracts until the obligations are modified or rescinded by the department of  
4 justice to the extent allowed under the contract.

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

15 (h) *Decrease in positions.* The authorized FTE positions for the department of  
16 agriculture, trade and consumer protection, funded from the appropriation under  
17 section 20.115 (1) (c) of the statutes, as affected by this act, are decreased by 4.0 GPR  
18 positions.”

19 **24.** Page 1394, line 18: <sup>13 delete "and (b) 1."</sup> after that line insert: <sup>and substitute</sup> "(b) 1, and (d)." <sub>1 1 1</sub>

20 ~~(24v) CONSUMER PROTECTION ASSESSMENTS. The treatment of section 100.261~~  
21 ~~(3) (b) 1. and (d) of the statutes first applies to violations committed on the effective~~  
22 ~~date of this subsection."~~

\*\*\*\*NOTE: MGG S. 100.261 (3) (b) 1 is treated in this amdt. and in the bill. How  
does this init. app. affect that other treatment? (kmg)



# Page 940, line 4: after that line insert.

2817m

Section #. 134.71 (12) of the statutes is amended to read:

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

History: 1989 a. 257; 1991 a. 269; 1993 a. 102, 112, 246; 1995 a. 27; 1997 a. 252.

of agriculture, trade and  
consumer protection

Insert 29-13

D-Note

There is still 0.55 FTE  
position for the division  
administrator ~~etc.~~ that  
we did not remove  
because there is still  
a division of trade  
in ~~the~~ DATCP to be  
administered.

RPN  
~  
~

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

LRBb1029/1dn  
RPN:king:hmh

June 18, 2001

There is still 0.55 FTE position for the division administrator that we did not remove because there is still a division of trade in DATCP to be administered.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

In kM

effective Date of bill

221,200 442,400 10.50 new  
 104 250,774 4.00 eliminate  
 105 791,452 13.50 transfer  
 105 1,314,687 23.75 delete  
 801 268,353 2.00 transfer  
 801 24,016 0.50 delete

TOTAL DOJ

2001-02 2002-03 455.1a  
 1,281,005 1,502,205 26.00

TOTAL DATCP

2001-02 2002-03 2001-02 2002-03  
 104 104 1c 104 to 105 104 to 105  
 -250,774 -250,774 -4.00 -57,200 -57,200 -1.00

2001-02 2002-03  
 104 104 1c  
 -307,974 -307,974 -5.00

2001-02 2002-03 2001-02 2002-03  
 105 105 1a 104 to 105 104 to 105  
 -2,106,139 -2,106,139 -37.25 57,200 57,200 1.00

2001-02 2002-03  
 104 104 1a  
 -2,048,939 -2,048,939 -36.25

2001-02 2002-03  
 801 801 8a  
 -292,369 -292,369 -2.50

2001-02 2002-03  
 801 801 8a  
 -292,369 -292,369 -2.50

2001-02 2002-03  
 TOTAL TOTAL  
 -2,649,282 -2,649,282 -43.75

2001-02 2002-03  
 TOTAL TOTAL  
 -2,649,282 -2,649,282 -43.75

TOTAL Both

2001-02 2002-03  
 -1,368,277 -1,147,077 -17.75  
 -2,515,355

Post-It* Fax Note	7671	Date	6/18/01	# of pages	1
To	Robin Kite	From	Dave Schug		
Co./Dept		Co.	LFB		
Phone #		Phone #	6-5046		
Fax #		Fax #			

Per Dave Schug  
 Change dollar amounts to reflect that there  
 is no delayed effective date