

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Jefferson

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Justice - civil

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM20,

Topic:

Move positions and authority over consumer protection from DOJ to DATCP as in governor's proposal

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 06/23/2001	csicilia 06/24/2001					
/1			kfollet 06/24/2001		lrb_docadmin 06/24/2001		

FE Sent For:

<END>

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1?	nelsorp1	1 ej 6/24/01	KJ 6/24	KJ/RS 6/24			

FE Sent For:

<END>

Memorandum

ATCP

To: Fred Ammerman – Fiscal Bureau
Cathlene Hanaman – Reference Bureau
CC: Heather Smith – Assembly Republican Caucus
From: Paul Tessmer – Assembly Republican Caucus
Date: 06/21/01
Re: ARC Amendments – Passed 6-20-01

RPN

Please find enclosed copies of the budget amendments passed by the Assembly Republicans in Caucus on Tuesday, June 20, 2001. The amendments are provided in the following four areas:

- The Health Care Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Carolyn Hughes (ARC) at 7-4887.
- The Agriculture Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Mark Jefferson (ARC) at 7-0900.
- The Higher Education Working Group Package. Associated freestanding amendments incorporated in this package are also provided. Contact Jim Emerson (ARC) at 7-0904.
- Other Freestanding Amendments. Contact the ARC analyst listed on the amendment at 6-1452.

NOTE: The Working Group Package document takes precedence over its associated freestanding amendments. Please call the contact person listed above (or the ARC analyst listed on the amendment) for supporting documentation.

Hard copies of the Working Group Packages are also being sent to your office. The hard copies may contain supporting documentation not included in the Word document.

I am also available to help answer questions at 4-8587.

ARC Amendment # 20

Agriculture, Trade and Consumer Protection Package

Representatives Ward (chair), Ainsworth, Hahn, Loeffelholz, Musser, Ott

1. **Transfer Department of Justice (DOJ) Consumer Protection Staff to Department of Agriculture, Trade and Consumer Protection (DATCP)** (requested by Ward) [LFB paper 215] (Comparative Summary, page 142, item #1)

Ward/Vrakas
RPN

Adopt Governor's language removed by Joint Finance to move 9.3 positions over from DOJ to DATCP (4.8 attorneys, 2.0 consumer protection investigators, 1.0 legal secretary, 1.0 paralegal and 0.5 legal assistant) and transfer related authority.

Fiscal Impact: These are current positions funded at DOJ. Transfer \$808,700 to DATCP.

2. **Enumerate Veterinary Diagnostic Lab and Meat and Muscle Lab** [LFB Paper 256] (Comparative Summary, page 177, item #4)

RAC/JTK

These were part of the Governor's original building program package but removed by the Joint Committee on Finance. This measure would restore the Building Commission's recommendation to enumerate the program in this biennium but delay \$20 million in bonding for the Veterinary Diagnostic Lab and \$20 million in bonding for the Meat and Muscle Lab to the next biennium. If we were not to enumerate the diagnostic lab, Wisconsin will lose accreditation and hurt its ability to sell agricultural products across state lines and particularly overseas.

In addition, (friendly amendment requested by Vrakas), require the Meat and Muscle Lab to provide a private sector contribution at an amount to be determined by the Building Commission. (Ward and Vrakas need to discuss this. Rep. Ward, at the time of the amendment, believed the Diagnostic Lab already required a private match. After checking with the Fiscal Bureau, this is not the case. The Diagnostic Lab does not currently require a private match. Rep. Vrakas' intent was to include both labs to require matches.)

Fiscal Impact: None in this biennium. Require the Building Commission by July 1, 2002 to determine an amount of gifts, grants and other receipts that would be required before the building commission could release the bonding authorized for the project. Specify that bonding could not be released before it is determined that the required amount of non-state revenues is committed to the project. This provision commits bonding that, combined with a required match for the Meat and Muscle lab, will designate a total of \$40 million dollars of future bonding in next biennium for both labs.

2001

Date (time) needed 5004

LRB b 160511

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

RPD : cjs :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page....., line.....: Insert Inc/Dec. ✓

#. Page 377, line 4.: after that line insert:
(377-4) ✓

#. Page 889, line 1.: after that line insert: ✓
(889-1)

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

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

#. Page 959, line 9.: delete lines 9 and 10 and substitute: (959-9) ✓

2001

AMENDMENTS

LRB 6 (605) 1

RPW: _____

AMENDMENT ITEM

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

1182-6) ✓

#. Page 1340, line 19: after that line insert: (insert

1340-19) ✓

(END)

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

~~)~~

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

~~)~~

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

~~)~~

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

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

~~)~~

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

~~)~~

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

~~)~~

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

~~)~~

2001

AMENDMENTS

LRB 6/605/1

RPN: _____

Insert

\$\$\$ INCREASE/DECREASE

In the component bar, for a "regular" amendment item:

For the item text, execute: create → item: → m: → \$inc-dec

#. Page 107, line 17: in ~~de~~ *inc*rease the dollar amount for fiscal year 2001-02 by \$ 808,700 and in ~~de~~ *inc*rease the dollar amount for fiscal year 2002-03 by \$ 808,700 ~~to ..crease funding for the [purpose]~~

all caps

NET APPROPRIATION totals accordingly to reflect the transfer of certain consumer protection functions to the department of agriculture, trade and consumer protection and to increase the authorized FTE positions in that department by

#. Page 228, line 3: ~~de~~ *inc*rease the dollar amount for fiscal year 2001-02 by \$ 808,700 and ~~de~~ *inc*rease the dollar amount for fiscal year 2002-03 by \$ 808,700 ~~to ..crease funding for the [purpose]~~

Decrease the authorized FTE positions of the department of justice by 9.3 GPR positions related to consumer protection investigation and enforcement.

9.3 GPR positions related to those consumer protection funding.

In the component bar, for a "frozen" amendment item (used in amendments to amendments):

For the item text, execute: create → item: → afterline [or the applicable item]

For the "frozen" item text, execute: create → item: → frz: → m: → \$inc-dec

#. Page, line :

..... Page, line : in(de)crease the dollar amount for fiscal year 2001-02 by \$,, and in(de)crease the dollar amount for fiscal year 2002-03 by \$,, [to ..crease funding for the [purpose] [purposes] for which the appropriation is made] [to ..crease funding for]*.

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

DOA:.....Statz - Transfer of DOJ consumer protection positions

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Inserts

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Currently, DOJ is required to provide legal services to DATCP for enforcement of the laws related to consumer protection. Currently, DOJ may commence an action to restrain by temporary or permanent injunction the violation of marketing and trade practices, including fraudulent representations, negative sales of telecommunication services, or unfair retailing of merchandise. This bill removes the authority of DOJ to enforce the laws relating to consumer protection and places that authority with DATCP or the district attorney. The bill gives DATCP the authority to request DOJ to provide legal services to DATCP relating to consumer protection.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

763
SECTION 20.455 (1) (gh) of the statutes is amended to read:

377-4 (2)

✓

1 20.455 (1) (gh) *Investigation and prosecution.* The amounts in the schedule for
 2 the expenses of investigation and prosecution of violations, including attorney fees,
 3 under ss. 49.49 (6), ~~100.263~~, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4),
 4 295.19 (3) (b), and 299.97. Ten percent of all moneys received under ss. 49.49 (6),
 5 ~~100.263~~, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b), and
 6 299.97, for the expenses of investigation and prosecution of violations, including
 7 attorney fees, shall be credited to this appropriation account. 2)

8 ²⁴⁰⁶ SECTION 2. 100.18 (11) (d) of the statutes is amended to read:

9 100.18 (11) (d) The department ~~or the department of justice, after consulting~~
 10 ~~with the department,~~ or any district attorney, upon informing the department, may
 11 commence an action in circuit court in the name of the state to restrain by temporary
 12 or permanent injunction any violation of this section. The court may in its discretion,
 13 prior to entry of final judgment, make such orders or judgments as may be necessary
 14 to restore to any person any pecuniary loss suffered because of the acts or practices
 15 involved in the action, provided proof thereof is submitted to the satisfaction of the
 16 court. The department ~~and the department of justice~~ may subpoena persons and
 17 require the production of books and other documents, ~~and the department of justice~~
 18 ~~may request the department to exercise its authority under par. (c) to aid in the~~
 19 ~~investigation of alleged violations of this section.~~ ✓

20 ²⁴⁰⁷ SECTION 3. 100.18 (11) (e) of the statutes is amended to read:

21 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
 22 section, the department ~~or the department of justice~~ may accept a written assurance
 23 of discontinuance of any act or practice alleged to be a violation of this section from
 24 the person who has engaged in such act or practice. The acceptance of such assurance
 25 by ~~either the department or the department of justice~~ shall be deemed acceptance by

889-1
1 the other state officials enumerated in par. (d) if the terms of the assurance so
2 provide. An assurance entered into pursuant to this section shall not be considered
3 evidence of a violation of this section, provided that violation of such an assurance
4 shall be treated as a violation of this section, and shall be subjected to all the
5 penalties and remedies provided therefor. "

6 " SECTION ²⁴⁰⁹ 100.20 (4) of the statutes is amended to read:

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

889-8
16 SECTION ²⁴¹⁰ 100.207 (6) (b) 1. of the statutes is amended to read:

17 100.207 (6) (b) 1. The ~~department of justice, after consulting with the~~
18 ~~department of agriculture, trade and consumer protection,~~ or any district attorney
19 upon informing the department of agriculturc, trade and consumer protection, may
20 commence an action in circuit court in the name of the state to restrain by temporary
21 or permanent injunction any violation of this section. Injunctive relief may include
22 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
23 discontinue telecommunications service provided to a person violating this section
24 or ch. 196. Before entry of final judgment, the court may make such orders or
25 judgments as may be necessary to restore to any person any pecuniary loss suffered

1 because of the acts or practices involved in the action if proof of these acts or practices
2 is submitted to the satisfaction of the court.

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

4 100.207 (6) (b) 2. The department may exercise its authority under ss. 93.14
5 to 93.16 and 100.18 (11) (c) to administer this section. The department ~~and the~~
6 ~~department of justice~~ may subpoena persons and require the production of books and
7 other documents, ~~and the department of justice may request the department of~~
8 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
9 ~~investigation of alleged violations of this section.~~

10 ²⁴¹² SECTION 7. 100.207 (6) (c) of the statutes is amended to read:

11 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
12 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
13 paragraph shall be enforced by the ~~department of justice, after consulting with the~~
14 ~~department of agriculture, trade and consumer protection, or, upon informing the~~
15 ~~department, by the district attorney of the county where the violation occurs.~~

16 ²⁴¹³ SECTION 8. 100.207 (6) (em) 1. of the statutes is amended to read:

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

22 ²⁴¹⁹ SECTION 9. 100.24 of the statutes is amended to read:

23 **100.24 Revocation of corporate authority.** Any corporation, or limited
24 liability company, foreign or domestic, ~~which~~ that violates any order issued under s.
25 100.20 may be enjoined from doing business in this state and its certificate of

1 authority, incorporation, or organization may be canceled or revoked. The attorney
2 ~~general department~~ may bring an action for this purpose in the name of the state.
3 In any such action judgment for injunction, cancellation, or revocation may be
4 rendered by the court, upon such terms as it deems just and in the public interest,
5 but only upon proof of a substantial and wilful willful violation.

(6) SECTION ²⁴²¹10. 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 an injunction issued under s. 100.18, 100.182, or 100.20
11 (6). The department of agriculture, trade and consumer protection or any district
12 attorney may commence an action in the name of the state to recover a civil forfeiture
13 to the state of not less than \$100 nor more than \$10,000 for each violation of an order
14 issued under s. 100.20. " ←

15 ^{cc} SECTION ²⁴²⁸11. 100.263 of the statutes is amended to read:

16 100.263 Recovery. In addition to other remedies available under this chapter,
17 the court may award the department the reasonable and necessary costs of
18 investigation and an amount reasonably necessary to remedy the harmful effects of
19 the violation, and the court may award the department of justice the reasonable and
20 necessary expenses of prosecution, including attorney fees, from any person who
21 violates this chapter. The department ~~and the department of justice~~ shall deposit in
22 the state treasury for deposit in the general fund all moneys that the court awards
23 to the department, ~~the department of justice~~ or the state under this section. Ten
24 percent of the money deposited in the general fund that was awarded under this

890-16

1 ~~section for the costs of investigation and the expenses of prosecution, including~~
2 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

3 SECTION 12. 165.25 (4) (ar) of the statutes is amended to read:

959-9

4 ¶ "165.25 (4) (ar) ~~The~~ At the request of the department of agriculture, trade and
5 consumer protection, the department of justice shall may furnish all legal services

6 required by to the department of agriculture, trade and consumer protection relating

7 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,

8 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50,

9 and 100.51 and chs. 136, 344, 704, 707, and 779, together with any other services as

10 are necessarily connected to the legal services.

****NOTE: This is reconciled s. 165.25 (4) (ar). This SECTION has been affected by drafts with the following LRB numbers: LRB-0392, LRB-0406, and LRB-2156.

1187-6

11 SECTION 13. ³⁷⁷⁰ 704.90 (10) (c) of the statutes is amended to read:

12 704.90 (10) (c) Forfeitures under par. (a) shall be enforced by action on behalf

13 of the state by the department of justice agriculture, trade and consumer protection

14 or by the district attorney of the county where the violation occurs.

15 SECTION 9131. Nonstatutory provisions; justice.

1340-19
19

16 (D) TRANSFER OF DEPARTMENT OF JUSTICE CONSUMER PROTECTION LEGAL SERVICES
17 TO THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
19 liabilities of the department of justice that are primarily related to the provision of
20 consumer protection legal services, as determined by the secretary of
21 administration, shall become the assets and liabilities of the department of
22 agriculture, trade and consumer protection.

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1 (b) *Position ~~increase~~*. The authorized FTE positions for the department of
2 justice are decreased by 9.30 GPR positions, funded from the appropriation under
3 section 20.455 (1) (a) of the statutes, for the performance of duties primarily related
4 to consumer protection legal services.

5 (c) *Employee transfers.* There are transferred from the department of justice
6 to the department of agriculture, trade and consumer protection 9.30 FTE
7 incumbent employees holding positions in the department of justice performing
8 duties primarily related to consumer protection legal services.

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

15 (e) *Tangible personal property.* On the effective date of this paragraph, all
16 tangible personal property, including records, of the department of justice that is
17 primarily related to the provision of consumer protection legal services, as
18 determined by the secretary of administration, shall be transferred to the
19 department of agriculture, trade and consumer protection.

20 (f) *Contracts.* All contracts entered into by the department of justice in effect
21 on the effective date of this paragraph that are primarily related to the provision of
22 consumer protection legal services, as determined by the secretary of
23 administration, remain in effect and are transferred to the department of
24 agriculture, trade and consumer protection. The department of agriculture, trade
25 and consumer protection shall carry out any such contractual obligations unless

1380-19

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1 modified or rescinded by the department of agriculture, trade and consumer
2 protection to the extent allowed under the contract.

3 (g) *Rules and orders.* All rules promulgated by the department of justice that
4 are primarily related to the provision of consumer protection legal services, as
5 determined by the secretary of administration, and that are in effect on the effective
6 date of this paragraph remain in effect until their specified expiration dates or until
7 amended or repealed by the department of agriculture, trade and consumer
8 protection. All orders issued by the department of justice that are primarily related
9 to the provision of consumer protection legal services, as determined by the secretary
10 of administration, and that are in effect on the effective date of this paragraph
11 remain in effect until their specified expiration dates or until modified or rescinded
12 by the department of agriculture, trade and consumer protection.

13 (h) *Pending matters.* Any matter pending with the department of justice on the
14 effective date of this paragraph that is primarily related to the provision of consumer
15 protection legal services, as determined by the secretary of administration, is
16 transferred to the department of agriculture, trade and consumer protection and all
17 materials submitted to or actions taken by the department of justice with respect to
18 the pending matter are considered as having been submitted to or taken by the
19 department of agriculture, trade and consumer protection.

380-19

NON STAT

of inserts



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1605/1
RPN:cjs:kjf

ARC:.....Jefferson – AM20, Move positions and authority over consumer protection from DOJ to DATCP as in governor's proposal

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY 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: increase the dollar amount for fiscal year 2001-02 by
3 \$808,700 and increase the dollar amount for fiscal year 2002-03 by \$808,700, and
4 adjust the NET APPROPRIATION totals accordingly, to reflect the transfer of
5 certain consumer protection functions to the department of agriculture, trade and
6 consumer protection and to increase the authorized FTE positions in that
7 department by 9.3 GPR positions related to those consumer protection functions.

8 **2.** Page 228, line 3: decrease the dollar amount for fiscal year 2001-02 by
9 \$808,700 and decrease the dollar amount for fiscal year 2002-03 by \$808,700 to

1 decrease the authorized FTE positions of the department of justice by 9.3 GPR
2 positions related to consumer protection investigation and enforcement.

3 **3.** Page 377, line 4: after that line insert:

4 “SECTION 763. 20.455 (1) (gh) of the statutes is amended to read:

5 20.455 (1) (gh) *Investigation and prosecution.* The amounts in the schedule for
6 the expenses of investigation and prosecution of violations, including attorney fees,
7 under ss. 49.49 (6), ~~100.263~~, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4),
8 295.19 (3) (b), and 299.97. Ten percent of all moneys received under ss. 49.49 (6),
9 ~~100.263~~, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b), and
10 299.97, for the expenses of investigation and prosecution of violations, including
11 attorney fees, shall be credited to this appropriation account.”.

12 **4.** Page 889, line 1: after that line insert:

13 “SECTION 2406. 100.18 (11) (d) of the statutes is amended to read:

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

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

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

12 **5.** Page 889, line 8: after that line insert:

13 **“SECTION 2409.** 100.20 (4) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

6 **SECTION 2419.** 100.24 of the statutes is amended to read:

7 **100.24 Revocation of corporate authority.** Any corporation, or limited
8 liability company, foreign or domestic, ~~which that~~ violates any order issued under s.
9 100.20 may be enjoined from doing business in this state and its certificate of
10 authority, incorporation, or organization may be canceled or revoked. The ~~attorney~~
11 ~~general department~~ may bring an action for this purpose in the name of the state.
12 In any such action judgment for injunction, cancellation, or revocation may be
13 rendered by the court, upon such terms as it deems just and in the public interest,
14 but only upon proof of a substantial and ~~wilful~~ willful violation.

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

16 100.26 (6) The department, ~~the department of justice, after consulting with the~~
17 ~~department,~~ or any district attorney may commence an action in the name of the
18 state to recover a civil forfeiture to the state of not less than \$100 nor more than
19 \$10,000 for each violation of an injunction issued under s. 100.18, 100.182, or 100.20
20 (6). The department of agriculture, trade and consumer protection or any district
21 attorney may commence an action in the name of the state to recover a civil forfeiture
22 to the state of not less than \$100 nor more than \$10,000 for each violation of an order
23 issued under s. 100.20.”.

24 **6.** Page 890, line 16: after that line insert:

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

2 **100.263 Recovery.** In addition to other remedies available under this chapter,
3 the court may award the department the reasonable and necessary costs of
4 investigation and an amount reasonably necessary to remedy the harmful effects of
5 the violation, and the court may award the department of justice the reasonable and
6 necessary expenses of prosecution, including attorney fees, from any person who
7 violates this chapter. The department and the department of justice shall deposit in
8 the state treasury for deposit in the general fund all moneys that the court awards
9 to the department, ~~the department of justice~~ or the state under this section. ~~Ten~~
10 ~~percent of the money deposited in the general fund that was awarded under this~~
11 ~~section for the costs of investigation and the expenses of prosecution, including~~
12 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).”.~~

13 **7.** Page 959, line 9: delete lines 9 and 10 and substitute:

14 “165.25 (4) (ar) The At the request of the department of agriculture, trade and
15 consumer protection, the department of justice ~~shall~~ may furnish all legal services
16 ~~required by~~ to the department of agriculture, trade and consumer protection
17 relating”.

18 **8.** Page 1182, line 6: after that line insert:

19 **“SECTION 3770.** 704.90 (10) (c) of the statutes is amended to read:

20 704.90 (10) (c) Forfeitures under par. (a) shall be enforced by action on behalf
21 of the state by the department of justice agriculture, trade and consumer protection
22 or by the district attorney of the county where the violation occurs.”.

23 **9.** Page 1340, line 19: after that line insert:

1 “(1q) TRANSFER OF DEPARTMENT OF JUSTICE CONSUMER PROTECTION LEGAL SERVICES
2 TO THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION.

3 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
4 liabilities of the department of justice that are primarily related to the provision of
5 consumer protection legal services, as determined by the secretary of
6 administration, shall become the assets and liabilities of the department of
7 agriculture, trade and consumer protection.

8 (b) *Position decreases.* The authorized FTE positions for the department of
9 justice are decreased by 9.30 GPR positions, funded from the appropriation under
10 section 20.455 (1) (a) of the statutes, for the performance of duties primarily related
11 to consumer protection legal services.

12 (c) *Employee transfers.* There are transferred from the department of justice
13 to the department of agriculture, trade and consumer protection 9.30 FTE
14 incumbent employees holding positions in the department of justice performing
15 duties primarily related to consumer protection legal services.

16 (d) *Employee status.* Employees transferred under paragraph (c) have the
17 same rights and status under subchapter V of chapter 111 and chapter 230 of the
18 statutes in the department of agriculture, trade and consumer protection that they
19 enjoyed in the department of justice 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 (e) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of justice that is
24 primarily related to the provision of consumer protection legal services, as

1 determined by the secretary of administration, shall be transferred to the
2 department of agriculture, trade and consumer protection.

3 (f) *Contracts.* All contracts entered into by the department of justice in effect
4 on the effective date of this paragraph that are primarily related to the provision of
5 consumer protection legal services, as determined by the secretary of
6 administration, remain in effect and are transferred to the department of
7 agriculture, trade and consumer protection. The department of agriculture, trade
8 and consumer protection shall carry out any such contractual obligations unless
9 modified or rescinded by the department of agriculture, trade and consumer
10 protection to the extent allowed under the contract.

11 (g) *Rules and orders.* All rules promulgated by the department of justice that
12 are primarily related to the provision of consumer protection legal services, as
13 determined by the secretary of administration, and that are in effect on the effective
14 date of this paragraph remain in effect until their specified expiration dates or until
15 amended or repealed by the department of agriculture, trade and consumer
16 protection. All orders issued by the department of justice that are primarily related
17 to the provision of consumer protection legal services, as determined by the secretary
18 of administration, and that are in effect on the effective date of this paragraph
19 remain in effect until their specified expiration dates or until modified or rescinded
20 by the department of agriculture, trade and consumer protection.

21 (h) *Pending matters.* Any matter pending with the department of justice on the
22 effective date of this paragraph that is primarily related to the provision of consumer
23 protection legal services, as determined by the secretary of administration, is
24 transferred to the department of agriculture, trade and consumer protection and all
25 materials submitted to or actions taken by the department of justice with respect to

1 the pending matter are considered as having been submitted to or taken by the
2 department of agriculture, trade and consumer protection.”.

3 (END)