

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 360**

February 5, 2002 – Offered by Senator ROESSLER.

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

2 **1.** Page 4, line 17: delete “employee or” and substitute “employee of”.

3 **2.** Page 7, line 24: after that line insert:

4 “**SECTION 18g.** 254.916 (11) of the statutes is amended to read:

5 254.916 (11) ~~The department shall hold a hearing under ch. 227 if any~~
6 ~~interested person, in lieu of proceeding under ch. 68, appeals to the department~~
7 ~~alleging that the A person making conducting an investigation of the appellant has~~
8 ~~under this section may not have a financial interest in a regulated cigarette and~~
9 ~~tobacco product retailer, a tobacco vending machine operator, a tobacco vending~~
10 ~~machine premises ~~or~~ or a tobacco vending machine that may interfere with his or her~~
11 ~~ability to properly take that action conduct that investigation. A person who is~~
12 ~~investigated under this section may request the local health department or local law~~

1 enforcement agency that contracted for the investigation to conduct a review under
2 ch. 68 to determine whether the person conducting the investigation is in compliance
3 with this subsection or, if applicable, may request the state agency or state law
4 enforcement agency that contracted for the investigation to conduct a contested case
5 hearing under ch. 227 to make that determination. The results of an investigation
6 that is conducted by a person who is not in compliance with this subsection may not
7 be used to prosecute a violation of s. 134.66 (2) (a) or (am) or a local ordinance adopted
8 under s. 134.66 (5).”.

9 (END)