

2003 DRAFTING REQUEST

Bill

Received: 12/11/2002

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Mukasa**

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

Drafter: **rkite**

May Contact:

Addl. Drafters: **mglass
rnelson2**

Subject: **Trade Regulation - other
Justice - civil**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Mukasa - BB0264,

Topic:

Transfer of consumer protection functions to DOJ

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rkite 01/15/2003	kgilfoy 01/17/2003		_____			State
/P2			pgreensl 01/17/2003	_____	lemery 01/17/2003		State
/P3	mglass 01/28/2003	kgilfoy 01/28/2003	chaugen 01/29/2003	_____			State
/1	rkite	kgilfoy	chaugen	_____	amentkow		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/29/2003	01/29/2003	01/30/2003	_____	01/30/2003		
/2	rkite 01/31/2003	kgilfoy 01/31/2003	rschluet 01/31/2003	_____	lemery 01/31/2003		State
/3	mglass 02/03/2003	kgilfoy 02/03/2003	pgreensl 02/03/2003	_____	sbasford 02/04/2003		State
/4	rkite 02/06/2003	kgilfoy 02/06/2003	chaskett 02/06/2003	_____	lemery 02/06/2003		State
/5	rkite 02/12/2003	kgilfoy 02/12/2003	pgreensl 02/12/2003	_____	amentkow 02/12/2003		State
/6	rkite 02/12/2003	kgilfoy 02/12/2003	jfrantze 02/13/2003	_____	mbarman 02/13/2003		

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<END>

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*16-2/12/03
Kmg*

2/13

*[Signature]
2/13*

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/4	rkite 02/06/2003	kgilfoy 02/06/2003	chaskett 02/06/2003	_____	lemery 02/06/2003		State
/5	rkite 02/12/2003	kgilfoy 02/12/2003	pgreensl 02/12/2003	_____	amentkow 02/12/2003		

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/P2			pgreensl 01/17/2003		lemery 01/17/2003		State
/P3	mglass 01/28/2003	kgilfoy 01/28/2003	chaugen 01/29/2003	<i>2/12</i>			State
/1	rkite	kgilfoy	chaugen	<i>PS/PH</i>	amentkow		State

*15-2/12/03
KMG*

7/12/04

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/29/2003	01/29/2003	01/30/2003	_____	01/30/2003		
/2	rkite 01/31/2003	kgilfoy 01/31/2003	rschluet 01/31/2003	_____	lemery 01/31/2003		State
/3	mglass 02/03/2003	kgilfoy 02/03/2003	pgreensl 02/03/2003	_____	sbasford 02/04/2003		State
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/P3	mglass 01/28/2003	kgilfoy 01/28/2003	chaugen 01/29/2003	_____			State
/1	rkite	kgilfoy	chaugen	_____	amentkow		State

*14 - a/e
Hmg*

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	01/29/2003	01/29/2003	01/30/2003	_____	01/30/2003		
/2	rkite 01/31/2003	kgilfoy 01/31/2003	rschluet 01/31/2003	_____	lemery 01/31/2003		State
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By/Representing: Mukasa

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May Contact:

Addl. Drafters: mglass
rnelson2

Subject: Trade Regulation - other
Justice - civil

Extra Copies: Bill Walker *Mgs*
DOA

Submit via email: NO

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/P3	mglass 01/28/2003	kgilfoy 01/28/2003	chaugen 01/29/2003	<u>pg dph</u>			State
/1	rkite	kgilfoy	chaugen	_____	amentkow		State

13-2/3/03
kmg *2/3*
pt

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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rnelson2**

Subject: **Trade Regulation - other
Justice - civil**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Mukasa - BB0264,

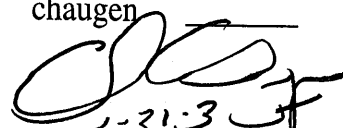
Topic:

Transfer of consumer protection functions to DOJ

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/1	rkite	kgilfoy 1/2-1/31 Kmg	chaugen				amentkow

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rnelson2

Subject: Trade Regulation - other
Justice - civil

Extra Copies: William Walker-DOA

→ please update

Submit via email: NO

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/P1	rkite 01/15/2003	kgilfoy 01/17/2003					State
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/P2		1-1/29 kmq	pgreensl 01/17/2003		lemery 01/17/2003		
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FE Sent For:

1-1/30
pk
cm
1/30
pk
<END>

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Justice - civil**

Extra Copies: *KMG*

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Topic:

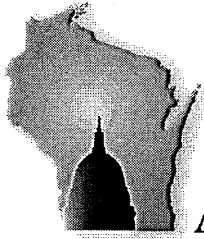
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1?	rkite	1/12-1/15/03 <i>KMG</i>	1/17 P8	1/17 P8/CE			
FE Sent For:		1/23-1/28 <i>KMG</i>	OK 1-29	<END> OK SF 1-29			



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT McCALLUM
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: December 10, 2002

To: Steve Miller, LRB

From: Roger Mukasa, DOA
267-0370

Subject: Department of Justice 2003-05 Biennial Budget Request Statutory
Language Drafts

I am forwarding statutory language changes that the Department of Justice (DOJ) included with its budget submission. The department has proposed that consumer protection functions currently divided between the DOJ and the Department of Agriculture, Trade and Consumer Protection should be merged into a single unit at the DOJ.

The request is similar to language requests drafted for 2001-02 Special Session attached.

cc: James T. Johnston

*bill draft from last session
01-3404/P2*

analysis - see § 97-0430/P2

BB0264



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948
REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-5648

Jan 10, 2003

MEMORANDUM

To: File
From: Robin Kite
Subject: Consumer protection transfer

The following is a table containing all of the ch. 100 sections. It sets out the functions of DATCP and DOJ under current law and under the draft.

An "A" means that under the draft, DATCP administers and DOJ goes to court.

A "B" means that under the draft, DOJ administers and DOJ goes to court.

A "C" means that under the draft, DOJ administers and DOJ or the D.A. go to court.

A "D" means that there is no change to current law under the draft.

Section	Current Law	Draft
100.01 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers and DOJ goes to court
100.02 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers and DOJ goes to court
100.025 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers and DOJ goes to court
100.04 D	DATCP administers; local D.A. goes to court (statute silent)	No change to current law
100.05 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers and DOJ goes to court

100.057 D	DATCP administers; this is a statute requiring the design of a logo	No change to current law
100.07 A	DATCP administers; DATCP goes to court	DATCP administers; DOJ goes to court
100.12 D	DATCP administers; local D.A. goes to court (statute silent)	No change to current law
100.14 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.15 B	DATCP administers; local D.A. goes to court (statute silent)	DOJ administers; DOJ goes to court
100.16 B	DATCP administers; local D.A. goes to court (statute silent)	DOJ administers; DOJ goes to court
100.17 B	DATCP administers; local D.A. goes to court (statute silent)	DOJ administers; DOJ goes to court
100.171 C	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ or local D.A. goes to court
100.173 C	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ or local D.A. goes to court
100.174 B	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ goes to court
100.175 B	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ goes to court
100.177 B	DATCP administers; DATCP (represented by DOJ) goes to court	DOJ administers; DOJ goes to court

100.178 B	DHFS administers; local D.A. goes to court (statute silent)	DOJ administers; DOJ goes to court
100.18 C	DATCP administers; DATCP (represented by DOJ) goes to court	DOJ administers; DOJ or local D.A. goes to court
100.182 B	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ goes to court
100.183 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.184 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.186 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.19 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.20 B	DATCP administers; DOJ may file complaint with DATCP; DATCP (represented by DOJ) goes to court	DOJ administers; DOJ goes to court
100.201 A	DATCP administers; DATCP goes to court	DATCP administers; DOJ goes to court
100.202 D	DATCP administers; local D.A. goes to court (statute silent)	No change to current law
100.205 C	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ or local D.A. goes to court
100.206 D	DATCP administers; local D.A. goes to court (statute silent)	No change to current law

100.207 C	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ or local D.A. goes to court
100.208 B 100.207A	DATCP administers; this statute requires the agency to given notice PSC	DOJ administers <i>DOJ goes to court</i>
100.209 C	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ or local D.A. goes to court
100.2095 C	DATCP administers; DATCP or local D.A. goes to court	DOJ administers; DOJ or local D.A. goes to court
100.21 D	DATCP administers; DATCP (represented by DOJ) goes to court	No change to current law
100.22 A	DATCP administers; DATCP goes to court	DATCP administers; DOJ goes to court
100.23 D	DATCP and DFI adminis- ter; local D.A. goes to court (statute silent)	No change to current law
100.235 A	DATCP administers; DATCP goes to court	DATCP administers; DOJ goes to court
100.24 D	DATCP administers; DOJ goes to court	No change to current law
100.25 D	This statute concerns cumulative remedies	No change to current law
100.26	This statute concerns pen- alties	Changes are linked to substantive provisions
100.261	This statute concerns con- sumer protection assess- ments	Changes are linked to substantive provisions
100.263	This statute concerns awards of court fees, costs etc.	Changes are linked to substantive provisions
100.264 D	This statute concerns sup- plemental forfeitures for violations against the elderly etc.	No change to current law

100.265 D	DATCP administers; local D.A. goes to court (statute silent)	No change to current law
100.27 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.28 C	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ or local D.A. goes to court
100.285 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.29 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.295 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.297 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.30 D	DATCP administers; DATCP or local D.A. goes to court	No change to current law
100.31 C	DATCP administers; DATCP or local D.A. goes to court	DOJ administers; DOJ or local D.A. goes to court
100.33 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.35 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.36 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court

100.37 B	DATCP administers; DATCP (represented by DOJ) goes to court	DOJ administers; DOJ goes to court
100.38 B	DATCP administers; local D.A. goes to court (statute silent)	DOJ administers; DOJ goes to court
100.41 B	DATCP administers; local D.A. goes to court (statute silent)	DOJ administers; DOJ goes to court
100.42 B	DATCP administers; DATCP (represented by DOJ) goes to court	DOJ administers; DOJ goes to court
100.43 B	DATCP administers; DATCP may go to court for injunction	DOJ administers; DOJ goes to court
100.44 B	DATCP administers; DATCP goes to court	DOJ administers; DOJ goes to court
100.45 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.46 B	DATCP administers; DATCP may go to court for injunction	DOJ administers; DOJ goes to court
100.47 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.48 A	DATCP administers; local D.A. goes to court (statute silent)	DATCP administers; DOJ goes to court
100.50 C	DATCP administers; DATCP (represented by DOJ) or local D.A. goes to court	DOJ administers; DOJ or local D.A. administers

100.37
100.38
100.41
100.42
100.43
100.44
100.45
100.46
100.47
100.48
100.50

100.51 ??????????????????	DATCP administers; DATCP (represented by DOJ) goes to court	DATCP administers; DATCP may go to court for injunctive relief; local D.A. probably otherwise goes to court
100.52 B	DATCP administers; DATCP may go to court for injunctive relief; local D.A. probably otherwise goes to court	DOJ administers; DOJ goes to court

2003

Date (time) needed

Today, if possible
~~5/01/03~~

LRB-1111 *P2*

DOA BUDGET DRAFT

RNK/MGF/RPN: King

Use the appropriate components and routines developed for bills.

PUF: all amended states.

>>**FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION**<<

AN ACT ... [DO NOT generate catalog]; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

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

SECTION #.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

136
704.90
707
779.93

future services plans
self service storage facilities
time share ownership
prepaid maintenance liens

1 **AN ACT to repeal** 20.115 (1) (c), **to amend** 20.115 (1) (hm), 20.115 (1) (jb), 20.455
2 (1) (title), 93.07 (1), 93.07 (24), 93.18 (3), 93.20 (1), 93.22 (1), 93.22 (2), 100.03
3 (11), 100.06 (4) (d), 100.07 (6), 100.171 (7) (b), 100.171 (8) (intro.), 100.173 (4)
4 (intro.), 100.173 (4) (a), 100.174 (5) (intro.), 100.174 (6), 100.175 (5) (a) (intro.),
5 100.175 (5) (b), 100.175 (7) (a) (intro.), 100.175 (7) (b), 100.178 (1) (b), 100.18 (11)
6 (a), 100.18 (11) (b) 3., 100.18 (11) (c) 1., 100.18 (11) (c) 2., 100.18 (11) (c) 3., 100.18
7 (11) (c) 4., 100.18 (11) (d), 100.18 (11) (e), 100.182 (5) (a), 100.182 (5) (b), 100.20
8 (2) (a), 100.20 (2) (b), 100.20 (3), 100.20 (4), 100.20 (6), 100.201 (6) (d), 100.201
9 (8m) (intro.), 100.201 (9) (b), 100.201 (9) (c), 100.205 (7), 100.205 (8), 100.207
10 (6) (b) 1., 100.207 (6) (b) 2., 100.207 (6) (c), 100.207 (6) (e), 100.207 (6) (em) 1.,
11 100.207 (6) (em) 2., 100.208 (2) (intro.), 100.208 (2) (b), 100.209 (3), 100.209 (4)
12 (b), 100.2095 (6) (b), 100.2095 (6) (c), 100.21 (2) (a), 100.21 (4) (a) (intro.), 100.22
13 (4) (b), 100.235 (11) (a), 100.26 (6), 100.261 (3) (b) 1., 100.263, 100.28 (4) (b),
14 100.28 (4) (c), 100.31 (4), 100.31 (5), 100.38 (5), 100.38 (6), 100.44 (5), 100.46 (1),
15 100.46 (2), 100.50 (6) (b), 100.50 (6) (c), 101.175 (3) (intro.), 136.03 (title), 136.03

1 (1) (intro.), 136.04, 165.065 (2), 165.25 (4) (ar), 344.576 (3) (a) 5., 344.576 (3) (c),
 2 344.579 (2) (intro.), 704.90 (9), 704.90 (11) (title), 704.90 (11) (a), 707.49 (4),
 3 707.57 (2), 707.57 (3), 779.41 (1m), 779.93 (title), 779.93 (1) and 779.93 (2)
 4 (intro.); and **to create** 20.455 (1) (g), 93.07 (23), 93.18 (7), 100.177 (1) (bm),
 5 100.261 (3) (b) 3., 100.261 (3) (b) 4., 100.37 (1) (am), 100.41 (1) (bn), 100.42 (1)
 6 (cm), 100.43 (1) (am) and 165.25 (10) of the statutes; **relating to:** transfer of
 7 certain consumer protection functions, programs, and enforcement activities
 8 from the department of agriculture, trade and consumer protection to the
 9 department of justice and making appropriations. *the budget*

Analysis by the Legislative Reference Bureau

Insert analysis
This draft is being prepared as a base for a proposed amendment to the biennial budget.

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

10 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
11 the following amounts for the purposes indicated:

			2001-02	2002-03
12				
13	20.455 Justice, department of			
14	(1) LEGAL AND REGULATORY SERVICES			
15	(g) Consumer information and			
16	education	PR A	-0-	-0-

***NOTE: The amounts in the schedule in s. 20.455 (1) (g) need to be changed when this is converted to a budget amendment.

17 **SECTION 2.** 20.115 (1) (c) of the statutes is repealed. ✓

18 **SECTION 3.** 20.115 (1) (hm) of the statutes is amended to read:

1 20.115 (1) (hm) *Ozone-depleting refrigerants and products regulation*. The
 2 amounts in the schedule for administration of the mobile air conditioner servicing
 3 and refrigerant recycling programs and for responsibilities under ss. s. 100.45 and
 4 ~~100.50~~ relating to sales and labeling of products containing or made with
 5 ozone-depleting substances. All moneys received from fees under s. 100.45 (5) (a)
 6 3. and (5m) shall be credited to this appropriation.

7 ~~SECTION 4. 20.115 (1) (jb) of the statutes is amended to read:
 8 20.115 (1) (jb) *Consumer information and education*. The amounts in the
 9 schedule for consumer protection information and education. All moneys received
 10 under s. 100.261 (3) (b) 1. shall be credited to this appropriation account.~~

Insert
3-10

11 SECTION 5. 20.455 (1) (title) of the statutes is amended to read:

12 20.455 (1) (title) LEGAL AND REGULATORY SERVICES.

→ note: bud

13 SECTION 6. 20.455 (1) (g) of the statutes is created to read:

subject to the
limit under s. 100.261
(3)(e)

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

Insert
3-16

→ note: bud
(d)

17 SECTION 7. 93.07 (1) of the statutes is amended to read:

18 93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent
 19 with law, as it may deem necessary for the exercise and discharge of all ^{of} the powers
 20 and duties of the department, and to adopt such measures and make such
 21 regulations as are necessary and proper for the enforcement by the state of
 22 department to carry out its duties and powers under chs. 93 to 100, which regulations
 23 shall have the force of law.

24 SECTION 8. 93.07 (23) of the statutes is created to read:

99, and
those laws entrusted
to its administration under ch.
SECTION 8

to 100.24 ✓

1 93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to
2 ~~100.03, 100.05, 100.07, 100.14, 100.183 to 100.19, 100.201, 100.206, 100.208,~~
3 100.21, ~~100.22, 100.23, 100.265, 100.27, 100.285 to 100.297,~~ 100.30, 100.33 to
4 100.36, 100.45, 100.47, 100.48, and 100.51 and to enforce ss. 100.206, 100.21, 100.30,
5 and 100.51

6 SECTION 9. 93.07 (24) of the statutes is amended to read:

7 93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.
8 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

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

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

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

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

24 SECTION 10. 93.18 (3) of the statutes is amended to read:

1 93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41
2 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,
3 product or related material ceased, shall give written notice of its finding to the
4 manufacturer, seller or other person responsible for placing the item in the channels
5 of trade in this state. After such notice no person may sell, remove or otherwise
6 dispose of such item except as directed by the department. ^{of justice} Any person affected by
7 such notice may demand a prompt hearing to determine the validity of the
8 ~~department's~~ ^{of the department of justice} findings. The hearing, if requested, shall be held as expeditiously as
9 possible but not later than 30 days after notice. A request for hearing does not
10 operate to stay enforcement of the order during the pendency of the hearing. The
11 person petitioning for a hearing shall be entitled to the same rights specified under
12 sub. (2).

13 **SECTION 11.** 93.18 (7) of the statutes is created to read:

14 93.18 (7) The department of justice shall follow the procedures under subs. (1),
15 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the
16 department of justice.

17 **SECTION 12.** 93.20 (1) of the statutes is amended to read:

18 93.20 (1) DEFINITION. In this section, "action" means an action that is
19 commenced in court by, or on behalf of, the department of agriculture, trade and
20 consumer protection to enforce chs. 88, 91 to 100 or ~~124~~ ¹²⁴ or an action that is
21 commenced in court by the department of justice to enforce ch. 100.

22 **SECTION 13.** 93.22 (1) of the statutes is amended to read:

23 93.22 (1) In cases arising under chs. 88 and 93 to ~~100~~ ⁹⁹ and ss. 100.206, 100.21,
24 100.30, and 100.51, the department may be represented by its attorney.

25 **SECTION 14.** 93.22 (2) of the statutes is amended to read:

SECTION 14

1 93.22 (2) The department may, with the approval of the governor, appoint
2 special counsel to prosecute or assist in the prosecution of any case arising under chs.
3 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21, 100.30, and 100.51. The cost of such
4 special counsel shall be charged to the appropriation for the department.

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

6 100.03 (11) DEPARTMENT MAY COLLECT PRODUCER CLAIMS. The department may
7 demand and receive payment of claims allowed under sub. (9) on behalf of producers
8 ~~and may commence an action in court to recover allowed claims on behalf of~~
9 ~~producers.~~ Any amounts recovered by the department shall be distributed to
10 represented producer claimants on a proportionate basis, according to the amount
11 of each producer's allowed claim. The department may settle any producer claim
12 with the consent of the producer and may decline to represent a producer who does
13 not agree to a settlement recommended by the department. This subsection does not
14 prohibit any producer from proceeding independently, under sub. (12) or (20), to
15 recover an unpaid claim.

16 **SECTION 16.** 100.06 (4) (d) of the statutes is amended to read:

17 100.06 (4) (d) ~~The department of justice, upon request of the department of~~
18 ~~agriculture, trade and consumer protection, may commence an action for the purpose~~
19 ~~of collecting claims, plus interest, in the circuit court of the county in which the~~
20 ~~licensed plant is located. Upon receipt of the money to be applied to the satisfaction~~
21 ~~of such claims plus interest as provided in this section, the department of justice shall~~
22 ~~make distribution to the claimants in accordance with the order allowing claims plus~~
23 ~~interest, in full or proportionally, as the case may be.~~

24 **SECTION 17.** 100.07 (6) of the statutes is amended to read:

*of agriculture,
trade and consumer protection*

1 100.07 (6) ~~Action~~ Upon request of the department, an action to enjoin violation
2 of this section may be commenced and prosecuted by the department of justice in the
3 name of the state in any court having equity jurisdiction.

4 **SECTION 18.** 100.171 (7) (b) of the statutes is amended to read:

5 100.171 (7) (b) Whoever intentionally violates this section may be fined not
6 more than \$10,000 or imprisoned for not more than 3 years or both. A person
7 intentionally violates this section if the violation occurs after the department of
8 justice or a district attorney has notified the person by certified mail that the person
9 is in violation of this section.

10 **SECTION 19.** 100.171 (8) (intro.) of the statutes is amended to read:

11 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate
12 violations of this section. The department of justice or any district attorney may on
13 behalf of the state:

14 **SECTION 20.** 100.173 (4) (intro.) of the statutes is amended to read:

15 100.173 (4) (intro.) The department of justice shall investigate violations of this
16 section. The department of justice, or any district attorney upon informing the
17 department of justice, may, on behalf of the state, do any of the following:

18 **SECTION 21.** 100.173 (4) (a) of the statutes is amended to read:

19 100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in
20 any court of competent jurisdiction for any violation of this section. The relief sought
21 by the department of justice or district attorney may include the payment by a
22 promoter into an escrow account of an amount estimated to be sufficient to pay for
23 ticket refunds. The court may, upon entry of final judgment, award restitution when
24 appropriate to any person suffering loss because of violations of this section if proof
25 of such loss is submitted to the satisfaction of the court.

✓
Insert
7-9

1 **SECTION 22.** 100.174 (5) (intro.) of the statutes is amended to read:

2 100.174 (5) (intro.) The department of justice or any district attorney may on
3 behalf of the state:

4 **SECTION 23.** 100.174 (6) of the statutes is amended to read:

5 100.174 (6) The department of justice shall investigate violations of and
6 enforce this section.

7 **SECTION 24.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

8 100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to
9 pay more than \$100 for dating services before the buyer receives or has the
10 opportunity to receive those services unless the person selling dating services
11 establishes proof of financial responsibility by maintaining any of the following
12 commitments approved by the department of justice in an amount not less than
13 \$25,000:

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

15 100.175 (5) (b) The commitment described in par. (a) shall be established in
16 favor of or made payable to the state, for the benefit of any buyer who does not receive
17 a refund under the contractual provision described in sub. (3). The person selling
18 dating services shall file with the department of justice any agreement, instrument
19 or other document necessary to enforce the commitment against the person selling
20 dating services or any relevant 3rd party, or both.

21 **SECTION 26.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

22 100.175 (7) (a) (intro.) The department of justice or any district attorney may
23 on behalf of the state:

24 **SECTION 27.** 100.175 (7) (b) of the statutes is amended to read:

1 100.175 (7) (b) The department of justice may bring an action in circuit court
2 to recover on a financial commitment maintained under sub. (5) against a person
3 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does
4 not receive a refund due under the contractual provision described in sub. (3).

5 **SECTION 28.** 100.177 (1) (bm) of the statutes is created to read:

6 100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the
7 department of justice.

8 **SECTION 29.** 100.178 (1) (b) of the statutes is amended to read:

9 100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the
10 department of ~~health and family services~~ justice.

11 **SECTION 30.** 100.18 (11) (a) of the statutes is amended to read:

12 100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~
13 justice shall enforce this section. Actions to enjoin violation of this section or any
14 regulations thereunder may be commenced and prosecuted by the department of
15 justice in the name of the state in any court having equity jurisdiction. This remedy
16 is not exclusive.

17 **SECTION 31.** 100.18 (11) (b) 3. of the statutes is amended to read:

18 100.18 (11) (b) 3. No action may be commenced under this section more than
19 3 years after the occurrence of the unlawful act or practice which is the subject of the
20 action. No injunction may be issued under this section which would conflict with
21 general or special orders of the department of justice or any statute, rule or
22 regulation of the United States or of this state.

23 **SECTION 32.** 100.18 (11) (c) 1. of the statutes is amended to read:

24 100.18 (11) (c) 1. Whenever the department of justice has reason to believe that
25 a person is in possession, custody or control of any information or documentary

1 material relevant to the enforcement of this section it may require that person to
2 submit a statement or report, under oath or otherwise, as to the facts and
3 circumstances concerning any activity in the course of trade or commerce; examine
4 under oath that person with respect to any activity in the course of trade or
5 commerce; and execute in writing and cause to be served upon such person a civil
6 investigative demand requiring the person to produce any relevant documentary
7 material for inspection and copying.

8 **SECTION 33.** 100.18 (11) (c) 2. of the statutes is amended to read:

9 100.18 (11) (c) 2. The department of justice, in exercising powers under this
10 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in
11 any investigation.

12 **SECTION 34.** 100.18 (11) (c) 3. of the statutes is amended to read:

13 100.18 (11) (c) 3. Service of any notice by the department of justice requiring
14 a person to file a statement or report, or service of a subpoena upon a person, or
15 service of a civil investigative demand shall be made in compliance with the rules of
16 civil procedure of this state.

17 **SECTION 35.** 100.18 (11) (c) 4. of the statutes is amended to read:

18 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
19 comply with any civil investigative demand, or fails to obey any subpoena issued by
20 the department of justice, such person may be coerced as provided in s. 885.12, except
21 that no person shall be required to furnish any testimony or evidence under this
22 subsection which might tend to incriminate the person.

23 **SECTION 36.** 100.18 (11) (d) of the statutes is amended to read:

24 100.18 (11) (d) ~~The department or the department of justice, after consulting~~
25 ~~with the department,~~ or any district attorney, upon informing the department of

1 justice, may commence an action in circuit court in the name of the state to restrain
2 by temporary or permanent injunction any violation of this section. The court may
3 in its discretion, prior to entry of final judgment, make such orders or judgments as
4 may be necessary to restore to any person any pecuniary loss suffered because of the
5 acts or practices involved in the action, provided proof thereof is submitted to the
6 satisfaction of the court. ~~The department and the department of justice may~~
7 ~~subpoena persons and require the production of books and other documents, and the~~
8 ~~department of justice may request the department to exercise its authority under~~
9 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

10 **SECTION 37.** 100.18 (11) (e) of the statutes is amended to read:

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

21 **SECTION 38.** 100.182 (5) (a) of the statutes is amended to read:

22 100.182 (5) (a) Any district attorney, after informing the department of justice,
23 or the department of justice may seek a temporary or permanent injunction in circuit
24 court to restrain any violation of this section. Prior to entering a final judgment the
25 court may award damages to any person suffering monetary loss because of a

1 violation. The department of justice may subpoena any person or require the
2 production of any document to aid in investigating alleged violations of this section.

3 SECTION 39. 100.182 (5) (b) of the statutes is amended to read:

4 100.182 (5) (b) In lieu of instituting or continuing an action under this
5 subsection, the department of justice may accept a written assurance from a violator
6 of this section that the violation has ceased. If the terms of the assurance so provide,
7 its acceptance by the department of justice prevents all district attorneys from
8 prosecuting the violation. An assurance is not evidence of a violation of this section
9 but violation of an assurance is subject to the penalties and remedies of violating this
10 section.

11 SECTION 40. 100.20 (2) (a) of the statutes is amended to read:

12 100.20 (2) (a) The department of justice, after public hearing, may issue
13 general orders forbidding methods of competition in business or trade practices in
14 business which are determined by the department of justice to be unfair. The
15 department of justice, after public hearing, may issue general orders prescribing
16 methods of competition in business or trade practices in business which are
17 determined by the department of justice to be fair.

18 SECTION 41. 100.20 (2) (b) of the statutes is amended to read:

19 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
20 any order or promulgate any rule that regulates the provision of water or sewer
21 service by a ~~mobile~~ ^{manufactured} home park operator, as defined in s. ~~196.01(34)~~ ^{101.91(8)}, or ~~mobile~~ home
22 park contractor, as defined in s. ~~196.01(36)~~ ^{101.91(6m)}, or enforce any rule to the extent that the
23 rule regulates the provision of such water or sewer service.

24 SECTION 42. 100.20 (3) of the statutes is amended to read:

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

8 **SECTION 43.** 100.20 (4) of the statutes is amended to read:

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

18 **SECTION 44.** 100.20 (6) of the statutes is amended to read:

19 100.20 (6) The department of justice may commence an action in circuit court
20 in the name of the state to restrain by temporary or permanent injunction the
21 violation of any order issued under this section. The court may in its discretion, prior ✓
22 to entry of final judgment ² make such orders or judgments as may be necessary to ✓
23 restore to any person any pecuniary loss suffered because of the acts or practices
24 involved in the action, provided proof thereof is submitted to the satisfaction of the

1 court. The department of justice may use its authority in ss. 93.14 and 93.15 to
2 investigate violations of any order issued under this section.

3 **SECTION 45.** 100.201 (6) (d) of the statutes is amended to read:

4 100.201 (6) (d) The failure to pay fees under this subsection within the time
5 provided under par. (c) is a violation of this section. The department of justice may
6 also commence an action to recover the amount of any overdue fees plus interest at
7 the rate of 2% per month for each month that the fees are delinquent.

8 **SECTION 46.** 100.201 (8m) (intro.) of the statutes is amended to read:

9 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
10 acts or omissions which take place in whole or in part outside this state. In any action
11 or administrative proceeding the department of justice has jurisdiction of the person
12 served under s. 801.11 when any act or omission outside this state by the defendant
13 or respondent results in local injury or may have the effect of injuring competition
14 or a competitor in this state or unfairly diverts trade or business from a competitor,
15 if at the time:

16 **SECTION 47.** 100.201 (9) (b) of the statutes is amended to read:

17 100.201 (9) (b) The department, after public hearing held under s. 93.18, may
18 issue a special order against any person requiring such person to cease and desist
19 from acts, practices or omissions determined by the department to violate this
20 section. Such orders shall be subject to judicial review under ch. 227. Any violation
21 of a special order issued hereunder shall be punishable as a contempt under ch. 785
22 in the manner provided for disobedience of a lawful order of a court, upon the filing
23 of an affidavit by the department of justice of the commission of such violation in any
24 court of record in the county where the violation occurred.

25 **SECTION 48.** 100.201 (9) (c) of the statutes is amended to read:

1 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
2 remedies herein provided, may apply to a circuit court for a temporary or permanent
3 injunction to prevent, restrain or enjoin any person from violating this section or any
4 special order of the department of agriculture, trade and consumer protection issued
5 hereunder under this section, without being compelled to allege or prove that an
6 adequate remedy at law does not exist.

7 **SECTION 49.** 100.205 (7) of the statutes is amended to read:

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

16 **SECTION 50.** 100.205 (8) of the statutes is amended to read:

17 100.205 (8) The department of justice or any district attorney may commence
18 an action in the name of the state to recover a forfeiture to the state of not more than
19 \$10,000 for each violation of this section.

✓
insert
15-19 →

20 **SECTION 51.** 100.207 (6) (b) 1. of the statutes is amended to read:

21 100.207 (6) (b) 1. The department ~~of justice, after consulting with the~~
22 ~~department of agriculture, trade and consumer protection,~~ ^{plain} or any district attorney
23 upon informing the department ~~of agriculture, trade and consumer protection~~
24 ~~justice,~~ ^{state common plain common} may commence an action in circuit court in the name of the state to restrain
25 by temporary or permanent injunction any violation of this section. Injunctive relief

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

7 SECTION 52. 100.207 (6) (b) 2. of the statutes is amended to read:

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

14 SECTION 53. 100.207 (6) (c) of the statutes is amended to read:

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

21 SECTION 54. 100.207 (6) (e) of the statutes is amended to read:
22 100.207 (6) (e) Subject to par. (em), the department of justice shall promulgate
23 rules under this section.

24 SECTION 55. 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 of ~~justice~~ shall form an advisory group to suggest recommendations
3 regarding the content and scope of the proposed rule. The advisory group shall
4 consist of one or more persons who may be affected by the proposed rule, ~~a~~
5 ~~representative from the department of justice~~ and a representative from the public
6 service commission.

7 **SECTION 56.** 100.207 (6) (em) 2. of the statutes is amended to read:

8 100.207 (6) (em) 2. The department of ~~justice~~ shall submit the
9 recommendations under subd. 1., if any, to the legislature as part of the report
10 required under s. 227.19 (2) ~~and to the board of agriculture, trade and consumer~~
11 ~~protection.~~

12 **SECTION 57.** 100.208 (2) (intro.) of the statutes is amended to read:

13 100.208 (2) (intro.) The department of justice shall notify the public service
14 commission if any of the following conditions exists:

15 **SECTION 58.** 100.208 (2) (b) of the statutes is amended to read:

16 100.208 (2) (b) The department of justice has issued an order under s. 100.20
17 (3) prohibiting a telecommunications provider from engaging in an unfair trade
18 practice or method of competition.

19 **SECTION 59.** 100.209 (3) of the statutes is amended to read:

20 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
21 prohibit the department of justice from promulgating a rule or from issuing an order
22 consistent with its authority under this chapter that gives a subscriber greater rights
23 than the rights under sub. (2) or prohibit a city, village or town from enacting an
24 ordinance that gives a subscriber greater rights than the rights under sub. (2).

25 **SECTION 60.** 100.209 (4) (b) of the statutes is amended to read:

1 100.209 (4) (b) The department of justice and the district attorneys of this state
2 have concurrent authority to institute civil proceedings under this section.

3 **SECTION 61.** 100.2095 (6) (b) of the statutes is amended to read:

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

9 **SECTION 62.** 100.2095 (6) (c) of the statutes is amended to read:

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

13 **SECTION 63.** 100.21 (2) (a) of the statutes is amended to read:

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

19 **SECTION 64.** 100.21 (4) (a) (intro.) of the statutes is amended to read:

20 100.21 (4) (a) (intro.) The department may, after public hearing, issue general
21 or special orders ~~under s. 100.20:~~

22 **SECTION 65.** 100.22 (4) (b) of the statutes is amended to read:

23 100.22 (4) (b) The department of justice may, without alleging or proving that
24 no other adequate remedy at law exists, bring an action to enjoin violations of this

*on behalf of the
department of agriculture,
trade and consumer
protection*

1 section or a special order issued under this section in the circuit court for the county
2 where the alleged violation occurred.

3 SECTION 66. 100.235 (11) (a) ✓ of the statutes is amended to read:

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

8 SECTION 67. 100.26 (6) of the statutes is amended to read:

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

19 SECTION 68. 100.261 (3) (b) ~~W~~ of the statutes is amended to read:

✓20 100.261 (3) (b) ~~W~~ The state treasurer shall deposit the ^{consumer protection} assessment amounts
21 imposed for a violation of ch. 98, a rule promulgated under ch. 98, or an ordinance
22 enacted under ch. 98 in the general fund and shall credit them to the appropriation
23 account under s. 20.115 (1) (jb), subject to the limit under subd. ~~12~~ par. (c)

24 SECTION 69. 100.261 (3) ~~(b)~~ ^(d) of the statutes is created to read:

SECTION 69

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

5 SECTION 70. 100.261 (3) ^(e) ~~(b)~~ of the statutes is created to read:

6 100.261 (3) ^(e) ~~(b)~~ The amount credited to the appropriation account under s.
7 20.455 (1) (g) may not exceed ~~\$85,000~~ ^{\$185,000} in each fiscal year.

8 SECTION 71. 100.263 of the statutes is amended to read:

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

21 SECTION 72. 100.28 (4) (b) of the statutes is amended to read:

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

25 SECTION 73. 100.28 (4) (c) of the statutes is amended to read:

1 100.28 (4) (c) The department of justice, or any district attorney upon the
2 request of the department of justice, may commence an action in the name of the
3 state under par. (a) or (b).

4 **SECTION 74.** 100.31 (4) of the statutes is amended to read:

5 100.31 (4) PENALTIES. For any violation of this section, the department of
6 justice or a district attorney may commence an action on behalf of the state to recover
7 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each
8 delivery of a drug sold to a purchaser at a price in violation of this section and each
9 separate day in violation of an injunction issued under this section is a separate
10 offense.

11 **SECTION 75.** 100.31 (5) of the statutes is amended to read:

12 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
13 may bring an action to enjoin a violation of this section without being compelled to
14 allege or prove that an adequate remedy at law does not exist. An action under this
15 subsection may be commenced and prosecuted by the department of justice or a
16 district attorney, in the name of the state, in a circuit court in the county where the
17 offense occurred or in Dane County, notwithstanding s. 801.50.

18 **SECTION 76.** 100.37 (1) (am) of the statutes is created to read:

19 100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
20 department of justice.

21 **SECTION 77.** 100.38 (5) of the statutes is amended to read:

22 100.38 (5) INSPECTION. The department of justice shall enforce this section by
23 inspection, chemical analyses or any other appropriate method and the department
24 of justice may promulgate such rules as are necessary to effectively enforce this
25 section.

1 **SECTION 78.** 100.38 (6) of the statutes is amended to read:

2 100.38 (6) **ENFORCEMENT.** It is unlawful to sell any antifreeze which is
3 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
4 department of justice may bring an action to enjoin violations of this section.

5 **SECTION 79.** 100.41 (1) (bn) of the statutes is created to read:

6 100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
7 department of justice.

8 **SECTION 80.** 100.42 (1) (cm) of the statutes is created to read:

9 100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the
10 department of justice.

11 **SECTION 81.** 100.43 (1) (am) of the statutes is created to read:

12 100.43 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
13 department of justice.

14 **SECTION 82.** 100.44 (5) of the statutes is amended to read:

15 100.44 (5) **ENFORCEMENT.** For any violation of sub. (3), the department of justice
16 may, on behalf of the state, bring an action in any court of competent jurisdiction for
17 the recovery of forfeitures authorized under sub. (4), for temporary or permanent
18 injunctive relief and for any other appropriate relief. The court may make any order
19 or judgment that is necessary to restore to any person any pecuniary loss suffered
20 because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the
21 court.

22 **SECTION 83.** 100.46 (1) of the statutes is amended to read:

23 100.46 (1) **ENERGY CONSERVATION STANDARDS.** The department of justice may by
24 rule adopt energy conservation standards for products that have been established in
25 or promulgated under 42 USC 6291 to 6309.

1 **SECTION 84.** 100.46 (2) of the statutes is amended to read:

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

7 **SECTION 85.** 100.50 (6) (b) of the statutes is amended to read:

8 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
9 department of justice may seek an injunction restraining any person from violating
10 this section.

11 **SECTION 86.** 100.50 (6) (c) of the statutes is amended to read:

12 100.50 (6) (c) The department of justice, or any district attorney upon the
13 request of the department of justice, may commence an action in the name of the
14 state under par. (a) or (b).

✓
Insert
23-14 → 15 **SECTION 87.** 101.175 (3) (intro.) of the statutes is amended to read:

16 101.175 (3) (intro.) The department, in consultation with the department of
17 ~~agriculture, trade and consumer protection~~ justice, shall establish by rule quality
18 standards for local energy resource systems which do not impede development of
19 innovative systems but which do:

✓
Insert
23-19 → 20 **SECTION 88.** 136.03 (title) of the statutes is amended to read:

21 **136.03 (title) Duties of the department of ~~agriculture, trade and~~**
22 **~~consumer protection~~ justice.**

23 **SECTION 89.** 136.03 (1) (intro.) of the statutes is amended to read:

24 136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~
25 ~~protection~~ of justice shall investigate violations of this chapter and of rules and

1 orders issued under s. 136.04. The department of justice may subpoena persons and
2 records to facilitate its investigations, and may enforce compliance with such
3 subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of
4 the state:

5 **SECTION 90.** 136.04 of the statutes is amended to read:

6 **136.04 Powers of the department of ~~agriculture, trade and consumer~~**
7 **~~protection~~ justice.** (1) The department of ~~agriculture, trade and consumer~~
8 ~~protection~~ justice may adopt such rules as may be required to carry out the purposes
9 of this chapter.

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

14 **SECTION 91.** 165.065 (2) of the statutes is amended to read:

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

23 **SECTION 92.** 165.25 (4) (ar) of the statutes is amended to read:

24 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~
25 ~~required by~~ represent the department of agriculture, trade and consumer protection

1 in any court action relating to the enforcement of ~~ss. 100.171, 100.173, 100.174,~~
 2 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
 3 ~~100.28, 100.50 and 100.51 and chs. 136, 344, 704, 707 and 779~~ ^{100.37, 100.42, 126, ✓} ~~100.01 to 100.03~~ ^{Ch. 126 and ss.}
 4 ~~100.05, 100.07, 100.14, 100.183 to 100.19, 100.201, 100.22, 100.235, 100.27,~~ ^{100.025 ✓}
 5 ~~100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and 100.48,~~ together with any
 6 other services as are necessarily connected to the legal services.

7 SECTION 93. 165.25 ~~of~~ ⁽¹¹⁾ of the statutes is created to read:
 8 165.25 ~~of~~ ⁽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, 100.50 and chs. 136, 344, 704, 707 and~~ ^{, and 100.52}
 11 779. The department may issue general or special orders in administering and
 12 enforcing these provisions.

Insert
25-1213

13 SECTION 94. 344.576 (3) (a) 5. of the statutes is amended to read:
 14 344.576 (3) (a) 5. The address and telephone number of the department of
 15 agriculture, trade and consumer protection justice.

16 SECTION 95. 344.576 (3) (c) of the statutes is amended to read:
 17 344.576 (3) (c) The department of agriculture, trade and consumer protection
 18 justice shall promulgate rules specifying the form of the notice required under par.
 19 (a), including the size of the paper and the type size and any highlighting of the
 20 information described in par. (a). The rule may specify additional information that
 21 must be included in the notice and the precise language that must be used.

22 SECTION 96. 344.579 (2) (intro.) of the statutes is amended to read:
 23 344.579 (2) ENFORCEMENT. (intro.) The department of agriculture, trade and
 24 consumer protection justice shall investigate violations of ss. 344.574, 344.576 (1),

1 (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade~~
2 ~~and consumer protection justice~~ may on behalf of the state:

3 SECTION 97. 704.90 (9) of the statutes is amended to read:

4 704.90 (9) RULES. The department of ~~agriculture, trade and consumer~~
5 ~~protection justice~~ may promulgate rules necessary to carry out the purposes of this
6 section.

7 SECTION 98. 704.90 (11) (title) of the statutes is amended to read:

8 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF ~~AGRICULTURE, TRADE AND~~
9 ~~CONSUMER PROTECTION JUSTICE~~.

10 SECTION 99. 704.90 (11) (a) of the statutes is amended to read:

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

16 SECTION 100. 707.49 (4) of the statutes is amended to read:

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

1 **SECTION 101.** 707.57 (2) of the statutes is amended to read:

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

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

14 **SECTION 102.** 707.57 (3) of the statutes is amended to read:

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

20 **SECTION 103.** 779.41 (1m) of the statutes is amended to read:

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

25 **SECTION 104.** 779.93 (title) of the statutes is amended to read:

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

3 **SECTION 105.** 779.93 (1) of the statutes is amended to read:

4 779.93 (1) The department of ~~agriculture, trade and consumer protection~~
5 justice shall investigate violations of this subchapter and attempts to circumvent
6 this subchapter. The department of ~~agriculture, trade and consumer protection~~
7 justice may subpoena persons and records to facilitate its investigations, and may
8 enforce compliance with such subpoenas as provided in s. 885.12.

9 **SECTION 106.** 779.93 (2) (intro.) of the statutes is amended to read:

10 779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~
11 ~~protection justice~~ may ~~in~~ on behalf of the state or ~~in~~ on behalf of any person who holds
12 a prepaid maintenance lien:

13 **SECTION 9104.** [✓]**Nonstatutory provisions; agriculture, trade and**
14 **consumer protection.**

15 (1) TRANSFER OF CONSUMER PROTECTION FUNCTIONS

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

1 of the joint committee on finance for consideration by the committee, and the
2 committee shall affirm or modify the decision.

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

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

17 (d) *Supplies and equipment.* All tangible personal property, including records,
18 of the department of agriculture, trade and consumer protection that are primarily
19 related to programs or functions that are transferred to the department of justice
20 under this act are transferred to the department of justice. The departments of
21 justice and agriculture, trade and consumer protection shall jointly identify the
22 tangible personal property, including records, and shall jointly develop and
23 implement a plan for their orderly transfer. In the ^{resolve the disagreements} event of any disagreement
24 between the departments, the secretary of administration shall ~~decide the question~~

25 ~~If either department is dissatisfied with the secretary's decision, the department~~

1 ~~may bring the matter to the cochairpersons of the joint committee on finance for~~
 2 ~~consideration by the committee, and the committee shall affirm or modify the~~
 3 ~~decision.~~

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

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

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

11 **SECTION 9204. Appropriation changes; agriculture, trade and**
12 **consumer protection.**

13 (1) **TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS.**

14 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
15 to the department of agriculture, trade and consumer protection under section
16 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
17 decreased by \$1,228,600 for fiscal year 2001–02 and the dollar amount is decreased
18 by \$2,106,100 for fiscal year 2002–03 to decrease funding to reflect the transfer of
19 certain consumer information programs, functions, and enforcement activities to the
20 department of justice and to decrease the authorized FTE positions of the
21 department of agriculture, trade and consumer protection by 37.25 GPR positions
22 related to those consumer information programs, functions, and enforcement
23 activities.

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

1 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
2 increased by \$33,400 for fiscal year 2001-02 and the dollar amount is increased by
3 \$57,200 for fiscal year 2002-03 to increase funding to increase the authorized FTE
4 positions of the department of agriculture, trade and consumer protection by 1.0 GPR
5 position related to the enforcement of chapter 98 of the statutes.

6 (c) In the schedule under section 20.005 (3) of the statutes for the appropriation
7 to the department of agriculture, trade and consumer protection under section
8 20.115 (1) (c) of the statutes, as affected by the acts of 2001, the dollar amount is
9 decreased by \$179,700 for fiscal year 2001-02 and the dollar amount is decreased by
10 \$308,000 for fiscal year 2002-03 to decrease funding to reflect the transfer of certain
11 consumer information programs, functions, and enforcement activities to the
12 department of justice and to decrease the authorized FTE positions of the
13 department of agriculture, trade and consumer protection by 4.0 GPR positions
14 related to those consumer information programs, functions, and enforcement
15 activities and to decrease the authorized FTE positions of the department of
16 agriculture, trade and consumer protection by 1.0 GPR position related to the
17 enforcement of chapter 98 of the statutes.

****NOTE: The above paragraph needs to be restructured in the next draft. Section
20.115 (1) (c) is repealed on the effective date of this bill, so there will be no appropriation
to decrease.

18 (d) In the schedule under section 20.005 (3) of the statutes for the appropriation
19 to the department of agriculture, trade and consumer protection under section
20 20.115 (8) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
21 decreased by \$170,500 for fiscal year 2001-02 and the dollar amount is decreased by
22 \$292,400 for fiscal year 2002-03 to decrease funding to reflect the transfer of certain
23 consumer information programs, functions, and enforcement activities to the

1 department of justice and to decrease the authorized FTE positions of the
2 department of agriculture, trade and consumer protection by 2.5 GPR positions
3 related to those consumer information programs, functions, and enforcement
4 activities.

5 **SECTION 9231. Appropriation changes; justice.**

6 (1) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS.

7 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
8 to the department of justice under section 20.455 (1) (a) of the statutes, as affected
9 by the acts of 2001, the dollar amount is increased by \$765,700 for fiscal year 2001–02
10 and the dollar amount is increased by \$1,502,200 for fiscal year 2002–03 to increase
11 funding to reflect the transfer of certain consumer information programs, functions,
12 and enforcement activities from the department of agriculture, trade, and consumer
13 protection and to increase the authorized FTE positions of the department of justice
14 by 26.0 GPR positions related to those consumer information programs, functions,
15 and enforcement activities.

16 **SECTION 9304. Initial applicability; agriculture, trade and consumer**
17 **protection.**

18 (1) CONSUMER PROTECTION ASSESSMENTS. The treatment of section 100.261 (3)

19 (b) 1. and 3. of the statutes first applies to violations committed on the effective date
20 of this subsection.

21 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1111/P1ins
RNK:.....

INSERT ANALYSIS

head → State government
sub → Other state government

Under current law, the Department of Agriculture, Trade, and Consumer Protection (DATCP) administers most consumer protection and trade practice laws. The authority to bring a court action to enforce these laws rests with either DATCP or the district attorney. Where DATCP has the authority to bring a court action, current law specifies whether DATCP has exclusive authority, or whether it has joint authority with DOJ or the district attorney.

This bill transfers all of the administrative authority for certain of these laws, including laws relating to ticket refunds, dating service contracts, mail-order sales, fraudulent representations, methods of competition and trade practices, telecommunications services, cable television subscriber rights, hazardous substances, product safety, products containing or made with ozone-depleting substances, future services plans, landlord and tenant, and time-share ownership, to DOJ. The authority to bring a court action to enforce these laws is transferred either exclusively to DOJ or to DOJ jointly with the district attorney. For certain other of these laws, including unfair trade practices in the dairy industry, discrimination in the purchase of milk, and unfair trade practices in the procurement of vegetable crops, the bill does not affect DATCP's authority under current law to administer these laws but specifies that the authority to bring a court action rests either exclusively with DOJ or jointly with the district attorney.

practices The bill does not affect DATCP's authority to both administer and enforce certain other trade practice laws, such as those relating to music royalty collections, the substantiation of energy savings or safety claims, and motor fuel dealerships.

Under current law, if a court imposes a fine or forfeiture for a violation of certain consumer protection laws or the laws regulating weights and measures, the court is required to impose an additional consumer protection assessment. The assessments, up to a certain limit, are credited to an appropriation account for expenditure by DATCP for consumer protection and consumer information and education. Under the bill, these consumer protection assessments, other than those imposed for a violation of the laws regulating weights and measures, are credited to an appropriation account for expenditure by DOJ, rather than DATCP.

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

INSERT 3-10 ✓

SECTION 1. 20.115 (8) (jm) of the statutes is repealed.

→ Note: bud

INSERT 3-16 ✓

SECTION 2. 20.455 (1) (j) of the statutes is created to read:

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

→ note: bud

INSERT 7-9 ✓

SECTION 3. 100.171 (7) (b) of the statutes, as affected by 2001 Wisconsin Act 109, ^{section 263,} is amended to read:

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

Note: Note: Par. (b) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads: Note:

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

History: 1991 a. 269, 315; 1995 a. 27; 1997 a. 111 s. 28; Stats. 1997 s. 100.171; 1997 a. 283; 2001 a. 109.

INSERT 15-19 ✓

SECTION 4. 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.) and amended to read:

100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~“telecommunications”;~~

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

History: 1993 a. 496; 1995 a. 27.

SECTION 5. 100.207 (1) (a) of the statutes is created to read:

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

INSERT 23-14 ✓

SECTION 6. 100.52 (1) (bn) of the statutes is created to read:

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

INSERT 23-19 ✓

SECTION 7. 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 of agriculture, trade and consumer protection 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.

INSERT 25-12 ✓

SECTION 8. 165.252 of the statutes is created to read:

165.252 Consumer protection matters. The department of justice shall administer ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095, 100.28, 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and may promulgate rules to aid in the administration and enforcement of these sections. The department of justice may appear for the state in any court action relating to these sections.

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

LRB-1111/P1dn

RNK: /:....
RMG

If you would like the draft to have a delayed effective date provision, please let me know and I will include it in the next version of the draft.

This draft is substantially the same as LRBb2913/2, which was drafted for the January 2002 Special Session. The draft transfers all of the responsibilities for administering certain consumer protection laws from DATCP to DOJ and also gives DOJ the specific authority to appear in court to enforce those laws. For other consumer protection laws, the draft transfers only the authority to appear in court to DOJ. Finally, for the remaining consumer protection laws, the draft makes no changes.

Please note that ^{WJ} under current law, if a statute does not give specific authority to a state agency to appear in court to enforce a law, I have assumed that the district attorney of the appropriate county does so. Also, under current law, there are some consumer protection laws that give joint authority to bring certain court actions to DATCP and the district attorney. The draft does not affect the district attorney's joint authority. Consequently, if the draft transfers DATCP's authority to bring a court action to DOJ, and the district attorney would have had joint authority to bring the action under current law, then the draft provides that DOJ and the district attorney have that joint authority.

Please closely review this draft in order to ensure that the draft makes the changes desired. I have made some changes in the draft to ensure that the draft gives DOJ the requested authority to bring court actions. I ask that you specifically review the list of statutes contained in proposed ss. 93.07 (23) and 165.252 and in s. 165.25 (4) (ar), as amended in the draft, to verify that those functions that you wish to be transferred to DOJ are included in the draft.

The draft does not contain a delayed effective date provision. As drafted, the provisions of this draft will be effective on the effective date of the budget bill.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1111/P2dn
RNK:kmg:pg

January 17, 2003

This draft is substantially the same as LRBb2913/2, which was drafted for the January 2002 Special Session. The draft transfers all of the responsibilities for administering certain consumer protection laws from DATCP to DOJ and also gives DOJ the specific authority to appear in court to enforce those laws. For other consumer protection laws, the draft transfers only the authority to appear in court to DOJ. Finally, for the remaining consumer protection laws, the draft makes no changes.

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Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

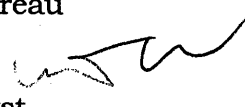
SCOTT McCALLUM
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

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Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: January 13, 2003

To: Stephen R. Miller, Chief
Legislative Reference Bureau

From: William D. Walker 
Policy and Budget Analyst
ECR Team

Subject: Biennial Budget Drafting Request
Agency 115 – Department of Agriculture, Trade and Consumer Protection
(DATCP)

Budget Office Request Title:

Change the name of the Department of Agriculture, Trade and Consumer Protection and the name and composition of the DATCP board

Request Description:

Change the name of the department to the "Department of Agriculture and Rural Resources."

Change the name of the board to the "Board of Agriculture and Rural Resources."

Change the composition of the board to consist of 9 (nine) members with an agricultural background (rather than 7 under current law) and 0 (zero) members who are consumer representatives (rather than 2 under current law).

Note: the name is not yet final. Per a conversation with Mary Gibson-Glass, I will send an email message to confirm the final name to Mary, Becky Tradewell and Robin Kite.

1111/P2

BB0346



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR
MARC MAROTTA
SECRETARY

Division of Executive Budget and Finance
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Date: January 25, 2003

To: Steve Miller, LRB

From: Roger Mukasa, DOA
267-0370

Subject: Department of Justice 2003-05 Biennial Budget Request Statutory
Language Drafts

I am forwarding statutory language changes that the Department of Justice (DOJ) included with its budget submission. The department has proposed to merge the Divisions of Criminal Investigation and Narcotics Enforcement. To do so, the following statutory language changes need to be made:

1. As many six positions would be eliminated from the Narcotics Enforcement Division - the division administrator, one bureau director, a supervisor, two support positions and a research analyst. One of the existing bureau director positions would be used in the reconstituted 'Bureau of Narcotics Enforcement.' Statutory language would be required to change or remove references to the Narcotics Enforcement Division, a division administrator, etc.

2. The DOJ proposes statutory language to create two new Program Revenue (PR) appropriations:

a. Consumer Protection and Anti-Trust cases (CP&A) Assessment appropriation: The DOJ proposes to create an **annual** CP&A appropriation, funded by a new 25% assessment on all CP&A recoveries, and to set annual spending authority at \$375,000 PR.

b. The Narcotics Buy Fund Appropriation: The DOJ proposes to create an **annual** appropriation, funded by a portion of restitution ordered in narcotics enforcement cases, and to set annual spending authority at \$25,000.

cc: James T. Johnston

Bob -
This is
you,
(I think)
Miller

1/28
Add
to
03-1111,
to
include
ch 133
violations
under
consumer
protection ass.