

**SENATE AMENDMENT 45,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 44**

June 18, 2003 – Offered by Senators DECKER, CHVALA, MOORE and ROBSON.

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

2 **1.** Page 29, line 13: after that line insert:

3 “**SECTION 99m.** 15.13 of the statutes is amended to read:

4 **15.13 Department of agriculture, trade and consumer protection;**
5 **creation.** There is created a department of agriculture, trade and consumer
6 protection under the direction and supervision of the board of agriculture, trade and
7 consumer protection. The board shall consist of ~~7~~ 9 members with an agricultural
8 background and ~~2~~ members who are consumer representatives, appointed for
9 staggered 6-year terms. Appointments to the board shall be made without regard
10 to party affiliation, residence or interest in any special organized group.

11 **SECTION 99p.** 15.137 (1) (a) (intro.) of the statutes is amended to read:

1 15.137 (1) (a) (intro.) There is created in the department of agriculture, trade
2 and consumer protection an agricultural producer security council consisting of the
3 following members appointed by the secretary of agriculture, trade, and rural
4 resources for 3-year terms.”.

5 **2.** Page 97, line 6: delete “**and rural resources**” and substitute “**and rural**
6 **resources**”.

7 **3.** Page 97, line 11: decrease the dollar amount for fiscal year 2003–04 by
8 \$1,445,400 and decrease the dollar amount for fiscal year 2004–05 by \$1,445,400 to
9 reflect the transfer of certain consumer information programs, functions, and
10 enforcement activities to the department of justice and to decrease the authorized
11 FTE positions of the department of agriculture, trade and rural resources by 26.35
12 GPR positions related to the transferred programs, functions, and activities, and
13 adjust the NET APPROPRIATION totals accordingly.

14 **4.** Page 97, line 20: decrease the dollar amount for fiscal year 2003–04 by
15 \$21,000 and decrease the dollar amount for fiscal year 2004–05 by \$21,000 to reflect
16 the transfer of certain consumer information programs, functions, and enforcement
17 activities to the department of justice and to decrease the authorized FTE positions
18 of the department of agriculture, trade and rural resources by 0.20 PR position
19 related to the transferred programs, functions, and activities.

20 **5.** Page 97, line 22: decrease the dollar amount for fiscal year 2003–04 by
21 \$31,100 and decrease the dollar amount for fiscal year 2004–05 by \$31,100 to reflect
22 the transfer of certain consumer information programs, functions, and enforcement
23 activities to the department of justice and to decrease the authorized FTE positions

1 of the department of agriculture, trade and rural resources by 0.30 PR position
2 related to the transferred programs, functions, and activities.

3 **6.** Page 98, line 4: delete that line.

4 **7.** Page 102, line 13: delete that line.

5 **8.** Page 213, line 13: delete “AND REGULATORY SERVICES” and substitute “AND
6 REGULATORY SERVICES”.

7 **9.** Page 213, line 14: increase the dollar amount for fiscal year 2003–04 by
8 \$1,563,800 and increase the dollar amount for fiscal year 2004–05 by \$1,463,800 to
9 reflect the transfer of certain consumer information programs, functions, and
10 enforcement activities to the department of justice and to increase the authorized
11 FTE positions of the department of justice by 26.0 GPR positions related to
12 transferred programs, functions, and activities.

13 **10.** Page 214, line 3: delete lines 3 and 4 and substitute:

14 “(g) Consumer protection, informa-
15 tion, and education PR A –0– –0–”.

16 **11.** Page 214, line 6: after that line insert:

17 “(j) Telephone solicitation regulation PR C 492,200 582,600”.

18 **12.** Page 278, line 2: delete lines 2 to 6 and substitute:

19 “**SECTION 287q.** 20.115 (1) (hm) of the statutes is amended to read:

20 20.115 (1) (hm) *Ozone-depleting refrigerants and products regulation.* The
21 amounts in the schedule for administration of the mobile air conditioner servicing
22 and refrigerant recycling programs and for responsibilities under ss. s. 100.45 and
23 ~~100.50~~ relating to sales and labeling of products containing or made with

1 ozone-depleting substances. All moneys received from fees under s. 100.45 (5) (a)
2 3. and (5m) shall be credited to this appropriation.”.

3 **13.** Page 278, line 12: delete the material beginning with that line and ending
4 with page 279, line 2, and substitute:

5 “**SECTION 291m.** 20.115 (8) (jm) of the statutes is repealed.”.

6 **14.** Page 339, line 1: after that line insert:

7 “**SECTION 555g.** 20.455 (1) (title) of the statutes is amended to read:

8 20.455 (1) (title) LEGAL AND REGULATORY SERVICES.

9 **SECTION 555j.** 20.455 (1) (g) of the statutes is created to read:

10 20.455 (1) (g) *Consumer protection, information, and education.* The amounts
11 in the schedule for consumer protection and consumer information and education.
12 All moneys received under s. 100.261 (3) (d) shall be credited to this appropriation
13 account, subject to the limit under s. 100.261 (3) (e).

14 **SECTION 555m.** 20.455 (1) (j) of the statutes is created to read:

15 20.455 (1) (j) *Telephone solicitation regulation.* All moneys received from
16 telephone solicitor registration and registration renewal fees paid under the rules
17 promulgated under s. 100.52 (3) (a) for establishing and maintaining the
18 nonsolicitation directory under s. 100.52 (2).”.

19 **15.** Page 742, line 7: after that line insert:

20 “**SECTION 1735g.** 93.07 (1) of the statutes is amended to read:

21 93.07 (1) **REGULATIONS.** To make and enforce such regulations, not inconsistent
22 with law, as it may deem necessary for the exercise and discharge of all of the powers
23 and duties of the department, and to adopt such measures and make such
24 regulations as are necessary and proper for the ~~enforcement by the state of~~

1 department to carry out its duties and powers under chs. 93 to 100, which regulations
2 shall have the force of law.

3 **SECTION 1735h.** 93.07 (23) of the statutes is created to read:

4 93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to
5 100.14, 100.183 to 100.19, 100.201, 100.202, 100.206, 100.21 to 100.24, 100.265,
6 100.27, 100.285 to 100.30, 100.33 to 100.36, 100.45, 100.47, 100.48, and 100.51.

7 **SECTION 1735j.** 93.07 (24) of the statutes is amended to read:

8 93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.
9 88 and 93 to 99, those laws under ch. 100 administered by the department, and all
10 other laws entrusted to its administration, and especially:

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

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

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

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

1 **SECTION 1735k.** 93.18 (3) of the statutes is amended to read:

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

14 **SECTION 1735m.** 93.18 (7) of the statutes is created to read:

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

18 **SECTION 1735p.** 93.20 (1) of the statutes is amended to read:

19 93.20 (1) DEFINITION. In this section, "action" means an action that is
20 commenced in court by, or on behalf of, the department of agriculture, trade and
21 consumer protection to enforce chs. 88, 91 to 100 or 126 or an action that is
22 commenced in court by the department of justice to enforce ch. 100.

23 **SECTION 1735q.** 93.22 (1) of the statutes is amended to read:

24 93.22 (1) In cases arising under chs. 88 and 93 to ~~400 99~~ and ss. 100.206, 100.21,
25 100.30, and 100.51, the department may be represented by its attorney.

1 **SECTION 1735r.** 93.22 (2) of the statutes is amended to read:

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

6 **16.** Page 751, line 25: after that line insert:

7 “**SECTION 1760c.** 100.07 (6) of the statutes is amended to read:

8 100.07 (6) ~~Action~~ Upon request of the department of agriculture, trade, and
9 rural resources, an action to enjoin violation of this section may be commenced and
10 prosecuted by the department of justice in the name of the state in any court having
11 equity jurisdiction.

12 **SECTION 1760d.** 100.171 (7) (b) of the statutes, as affected by 2001 Wisconsin
13 Act 109, section 263, is amended to read:

14 100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class
15 I felony. A person intentionally violates this section if the violation occurs after the
16 department of justice or a district attorney has notified the person by certified mail
17 that the person is in violation of this section.

18 **SECTION 1760e.** 100.171 (8) (intro.) of the statutes is amended to read:

19 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate
20 violations of this section. The department of justice or any district attorney may on
21 behalf of the state:

22 **SECTION 1760f.** 100.173 (4) (intro.) of the statutes is amended to read:

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

4 **SECTION 1760g.** 100.173 (4) (a) of the statutes is amended to read:

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

12 **SECTION 1760h.** 100.174 (5) (intro.) of the statutes is amended to read:

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

15 **SECTION 1760i.** 100.174 (6) of the statutes is amended to read:

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

18 **SECTION 1760j.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

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

25 **SECTION 1760k.** 100.175 (5) (b) of the statutes is amended to read:

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

7 **SECTION 1760m.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

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

10 **SECTION 1760n.** 100.175 (7) (b) of the statutes is amended to read:

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

15 **SECTION 1760p.** 100.177 (1) (bm) of the statutes is created to read:

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

18 **SECTION 1760q.** 100.178 (1) (b) of the statutes is amended to read:

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

21 **SECTION 1760r.** 100.18 (11) (a) of the statutes is amended to read:

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

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

3 **SECTION 1760s.** 100.18 (11) (b) 3. of the statutes is amended to read:

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

9 **SECTION 1760t.** 100.18 (11) (c) 1. of the statutes is amended to read:

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

19 **SECTION 1761c.** 100.18 (11) (c) 2. of the statutes is amended to read:

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

23 **SECTION 1761d.** 100.18 (11) (c) 3. of the statutes is amended to read:

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

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

3 **SECTION 1761e.** 100.18 (11) (c) 4. of the statutes is amended to read:

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

9 **SECTION 1761f.** 100.18 (11) (d) of the statutes is amended to read:

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

21 **SECTION 1761g.** 100.18 (11) (e) of the statutes is amended to read:

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

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

7 **SECTION 1761h.** 100.182 (5) (a) of the statutes is amended to read:

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

14 **SECTION 1761i.** 100.182 (5) (b) of the statutes is amended to read:

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

22 **SECTION 1761j.** 100.20 (2) (a) of the statutes is amended to read:

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

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

4 **SECTION 1761k.** 100.20 (2) (b) of the statutes is amended to read:

5 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
6 any order or promulgate any rule that regulates the provision of water or sewer
7 service by a manufactured home park operator, as defined in s. 101.91 (8), or
8 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule
9 to the extent that the rule regulates the provision of such water or sewer service.

10 **SECTION 1761m.** 100.20 (3) of the statutes is amended to read:

11 100.20 (3) The department of justice, after public hearing, may issue a special
12 order against any person, enjoining such person from employing any method of
13 competition in business or trade practice in business which is determined by the
14 department of justice to be unfair or from providing service in violation of sub. (1t).
15 The department of justice, after public hearing, may issue a special order against any
16 person, requiring such person to employ the method of competition in business or
17 trade practice in business which is determined by the department of justice to be fair.

18 **SECTION 1761n.** 100.20 (4) of the statutes is amended to read:

19 100.20 (4) ~~The If the department of justice may file a written complaint with~~
20 ~~the department alleging that the has reason to believe that a person named is~~
21 ~~employing unfair methods of competition in business or unfair trade practices in~~
22 ~~business or both. Whenever such a complaint is filed, it shall be the duty of the~~
23 ~~department of justice to proceed, after proper notice and in accordance with its rules,~~
24 ~~to the hearing and adjudication of the matters alleged, and a representative of the~~
25 ~~department of justice designated by the attorney general may appear before the~~

1 ~~department in such proceedings. The department of justice shall be entitled to~~
2 ~~judicial review of the decisions and orders of the department under ch. 227 matter.~~

3 **SECTION 1761p.** 100.20 (6) of the statutes is amended to read:

4 100.20 (6) The department of justice may commence an action in circuit court
5 in the name of the state to restrain by temporary or permanent injunction the
6 violation of any order issued under this section. The court may in its discretion, prior
7 to entry of final judgment, make such orders or judgments as may be necessary to
8 restore to any person any pecuniary loss suffered because of the acts or practices
9 involved in the action, provided proof thereof is submitted to the satisfaction of the
10 court. The department of justice may ~~use its authority in ss. 93.14 and 93.15 to~~
11 investigate violations of any order issued under this section.

12 **SECTION 1761q.** 100.201 (6) (d) of the statutes is amended to read:

13 100.201 (6) (d) The failure to pay fees under this subsection within the time
14 provided under par. (c) is a violation of this section. The department of justice may
15 also commence an action to recover the amount of any overdue fees plus interest at
16 the rate of 2% per month for each month that the fees are delinquent.

17 **SECTION 1761r.** 100.201 (8m) (intro.) of the statutes is amended to read:

18 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
19 acts or omissions which take place in whole or in part outside this state. In any action
20 or administrative proceeding the department of justice has jurisdiction of the person
21 served under s. 801.11 when any act or omission outside this state by the defendant
22 or respondent results in local injury or may have the effect of injuring competition
23 or a competitor in this state or unfairly diverts trade or business from a competitor,
24 if at the time:

25 **SECTION 1761s.** 100.201 (9) (b) of the statutes is amended to read:

1 100.201 (9) (b) The department of agriculture, trade, and rural resources, after
2 public hearing held under s. 93.18, may issue a special order against any person
3 requiring such person to cease and desist from acts, practices or omissions
4 determined by the department of agriculture, trade, and rural resources to violate
5 this section. Such orders shall be subject to judicial review under ch. 227. Any
6 violation of a special order issued hereunder shall be punishable as a contempt under
7 ch. 785 in the manner provided for disobedience of a lawful order of a court, upon the
8 filing of an affidavit by the department of justice of the commission of such violation
9 in any court of record in the county where the violation occurred.

10 **SECTION 1761t.** 100.201 (9) (c) of the statutes is amended to read:

11 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
12 remedies herein provided, may apply to a circuit court for a temporary or permanent
13 injunction to prevent, restrain or enjoin any person from violating this section or any
14 special order of the department of agriculture, trade, and rural resources issued
15 hereunder under this section, without being compelled to allege or prove that an
16 adequate remedy at law does not exist.

17 **SECTION 1761u.** 100.205 (7) of the statutes is amended to read:

18 100.205 (7) The department of justice, or any district attorney on informing the
19 department of justice, may commence an action in circuit court in the name of the
20 state to restrain by temporary or permanent injunction any violation of this section.
21 The court may, before entry of final judgment and after satisfactory proof, make
22 orders or judgments necessary to restore to any person any pecuniary loss suffered
23 because of a violation of this section. The department of justice may conduct
24 hearings, administer oaths, issue subpoenas and take testimony to aid in its
25 investigation of violations of this section.

1 **SECTION 1761v.** 100.205 (8) of the statutes is amended to read:

2 100.205 **(8)** The department of justice or any district attorney may commence
3 an action in the name of the state to recover a forfeiture to the state of not more than
4 \$10,000 for each violation of this section.

5 **SECTION 1762c.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.)
6 and amended to read:

7 100.207 **(1)** ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
8 “telecommunications;

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

10 **SECTION 1762d.** 100.207 (1) (a) of the statutes is created to read:

11 100.207 **(1)** (a) Notwithstanding s. 93.01 (3), “department” means the
12 department of justice.

13 **SECTION 1762e.** 100.207 (6) (b) 1. of the statutes is amended to read:

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

25 **SECTION 1762f.** 100.207 (6) (b) 2. of the statutes is amended to read:

1 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~
2 ~~to 93.16 and 100.18 (11) (c) to~~ shall administer this section. The department and the
3 ~~department of justice~~ may subpoena persons and, require the production of books
4 and other documents, and ~~the department of justice may request the department of~~
5 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
6 ~~investigation of~~ investigate alleged violations of this section.

7 **SECTION 1762g.** 100.207 (6) (c) of the statutes is amended to read:

8 100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
9 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
10 paragraph shall be enforced by the department of justice, ~~after consulting with the~~
11 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the
12 department, by the district attorney of the county where the violation occurs.

13 **SECTION 1762h.** 100.207 (6) (em) 1. of the statutes is amended to read:

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

19 **SECTION 1762i.** 100.207 (6) (em) 2. of the statutes is amended to read:

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

23 **SECTION 1762j.** 100.208 (2) (intro.) of the statutes is amended to read:

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

1 **SECTION 1762k.** 100.208 (2) (b) of the statutes is amended to read:

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

5 **SECTION 1762m.** 100.209 (3) of the statutes is amended to read:

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

11 **SECTION 1762n.** 100.209 (4) (b) of the statutes is amended to read:

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

14 **SECTION 1762p.** 100.2095 (6) (b) of the statutes is amended to read:

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

20 **SECTION 1762q.** 100.2095 (6) (c) of the statutes is amended to read:

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

24 **SECTION 1762r.** 100.21 (2) (a) of the statutes is amended to read:

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

6 **SECTION 1762s.** 100.21 (4) (a) (intro.) of the statutes is amended to read:

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

9 **SECTION 1762t.** 100.22 (4) (b) of the statutes is amended to read:

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

15 **SECTION 1763c.** 100.235 (11) (a) of the statutes is amended to read:

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

20 **SECTION 1763d.** 100.26 (6) of the statutes is amended to read:

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

1 ~~protection or any district attorney may commence an action in the name of the state~~
2 ~~to recover a civil is subject to a forfeiture of not less than \$100 nor more than \$10,000~~
3 ~~for each violation. Any person violating an order issued under s. 100.20 is subject~~
4 ~~to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each~~
5 ~~violation of an order issued under s. 100.20.~~

6 **SECTION 1763f.** 100.261 (1) of the statutes is amended to read:

7 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,
8 or ch. 98 or 133, a rule promulgated under this chapter or ch. 98 or 133, or an
9 ordinance enacted under this chapter or ch. 98 or 133, the court shall also impose a
10 consumer protection assessment in an amount equal to 25% of the fine or forfeiture
11 imposed. If multiple violations are involved, the court shall base the consumer
12 protection assessment upon the the total of the fine or forfeiture amounts for all
13 violations. If a fine or forfeiture is suspended in whole or in part, the court shall
14 reduce the assessment in proportion to the suspension.”.

15 **17.** Page 752, line 12: after that line insert:

16 “**SECTION 1814m.** 100.261 (3) (b) of the statutes is amended to read:

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

22 **18.** Page 752, line 13: after “statutes” insert “, as affected by 2003 Wisconsin
23 Act (this act).”.

1 **19.** Page 752, line 15: after “amounts” insert “imposed for a violation of ch. 98,
2 a rule promulgated under ch. 98, or an ordinance enacted under ch. 98”.

3 **20.** Page 752, line 21: delete the material beginning with that line and ending
4 with page 753, line 14, and substitute:

5 “**SECTION 1815m.** 100.261 (3) (d) of the statutes is created to read:

6 100.261 (3) (d) The state treasurer shall deposit the consumer protection
7 assessment amounts imposed for a violation of this chapter or ch. 133, a rule
8 promulgated under this chapter or ch. 133, or an ordinance enacted under this
9 chapter in the general fund and shall credit them to the appropriation account under
10 s. 20.455 (1) (g), subject to the limit under par. (e).

11 **SECTION 1815t.** 100.261 (3) (d) of the statutes, as created by 2003 Wisconsin
12 Act (this act), is amended to read:

13 100.261 (3) (d) ~~The state treasurer~~ secretary of administration shall deposit the
14 consumer protection assessment amounts imposed for a violation of this chapter or
15 ch. 133, a rule promulgated under this chapter or ch. 133, or an ordinance enacted
16 under this chapter in the general fund and shall credit them to the appropriation
17 account under s. 20.455 (1) (g), subject to the limit under par. (e).

18 **SECTION 1815v.** 100.261 (3) (e) of the statutes is created to read:

19 100.261 (3) (e) The amount credited to the appropriation account under s.
20 20.455 (1) (g) may not exceed \$375,000 in each fiscal year.”.

21 **21.** Page 753, line 15: before that line insert:

22 “**SECTION 1825c.** 100.263 of the statutes is amended to read:

23 **100.263 Recovery.** In addition to other remedies available under this chapter,
24 the court may award the ~~department~~ state the reasonable and necessary costs of

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

11 **SECTION 1825d.** 100.28 (4) (b) of the statutes is amended to read:

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

15 **SECTION 1825e.** 100.28 (4) (c) of the statutes is amended to read:

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

19 **SECTION 1825f.** 100.31 (4) of the statutes is amended to read:

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

1 **SECTION 1825g.** 100.31 (5) of the statutes is amended to read:

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

8 **SECTION 1825h.** 100.37 (1) (am) of the statutes is created to read:

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

11 **SECTION 1825i.** 100.38 (5) of the statutes is amended to read:

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

16 **SECTION 1825j.** 100.38 (6) of the statutes is amended to read:

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

20 **SECTION 1825k.** 100.41 (1) (bn) of the statutes is created to read:

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

23 **SECTION 1825m.** 100.42 (1) (cm) of the statutes is created to read:

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

1 **SECTION 1825p.** 100.43 (1) (am) of the statutes is created to read:

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

4 **SECTION 1825q.** 100.44 (5) of the statutes is amended to read:

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

12 **SECTION 1825r.** 100.46 (1) of the statutes is amended to read:

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

16 **SECTION 1825s.** 100.46 (2) of the statutes is amended to read:

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

22 **SECTION 1825t.** 100.50 (6) (b) of the statutes is amended to read:

23 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
24 department of justice may seek an injunction restraining any person from violating
25 this section.

1 **SECTION 1825u.** 100.50 (6) (c) of the statutes is amended to read:

2 100.50 **(6)** (c) The department of justice, or any district attorney upon the
3 request of the department of justice, may commence an action in the name of the
4 state under par. (a) or (b).

5 **SECTION 1825w.** 100.52 (1) (bn) of the statutes is created to read:

6 100.52 **(1)** (bn) Notwithstanding s. 93.01 (3), “department” means the
7 department of justice.”.

8 **22.** Page 755, line 3: after that line insert:

9 “**SECTION 1840m.** 101.175 (3) (intro.) of the statutes is amended to read:

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

14 **23.** Page 806, line 3: after that line insert:

15 “**SECTION 2047m.** 134.71 (12) of the statutes is amended to read:

16 134.71 **(12)** APPLICATIONS AND FORMS. The department of agriculture, trade and
17 consumer protection, in consultation with the department of justice, shall develop
18 applications and other forms required under subs. (5) (intro.) and (8) (c). The
19 department of agriculture, trade and consumer protection shall print a sufficient
20 number of applications and forms to provide to counties and municipalities for
21 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry
22 dealers at no cost.”.

23 **24.** Page 806, line 9: after that line insert:

24 “**SECTION 2050g.** 136.03 (title) of the statutes is amended to read:

1 **136.03** (title) **Duties of the department of agriculture, trade and**
2 **consumer protection justice.**

3 **SECTION 2050j.** 136.03 (1) (intro.) of the statutes is amended to read:

4 136.03 **(1)** (intro.) The department of agriculture, trade and consumer
5 protection justice shall investigate violations of this chapter and of rules and orders
6 issued under s. 136.04. The department of justice may subpoena persons and records
7 to facilitate its investigations, and may enforce compliance with such subpoenas as
8 provided in s. 885.12. The department of justice may ~~in~~ on behalf of the state:

9 **SECTION 2050m.** 136.04 of the statutes is amended to read:

10 **136.04 Powers of the department of agriculture, trade and consumer**
11 **protection justice.** **(1)** The department of agriculture, trade and consumer
12 protection justice may adopt such rules as may be required to carry out the purposes
13 of this chapter.

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

18 **25.** Page 838, line 15: after that line insert:

19 “**SECTION 2097g.** 165.065 (2) of the statutes is amended to read:

20 165.065 **(2)** The assistant attorney general in charge of antitrust investigations
21 and prosecutions is to cooperate actively with the antitrust division of the U.S.
22 department of justice in everything that concerns monopolistic practices in
23 Wisconsin, and also to cooperate actively with the department of agriculture, trade
24 and consumer protection in the work which this agency is carrying on ~~under s. 100.20~~

1 of the marketing law with regard to monopolistic practices in the field of agriculture
2 and with the federal trade commission on matters arising in or affecting Wisconsin
3 which pertain to its jurisdiction.

4 **SECTION 2097m.** 165.25 (4) (ar) of the statutes is amended to read:

5 165.25 (4) (ar) The department of justice shall furnish all legal services
6 required by represent the department of agriculture, trade and consumer protection
7 in any court action relating to the enforcement of ~~ss. 100.171, 100.173, 100.174,~~
8 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
9 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~
10 ~~ch. 126 and ss. 100.01 to 100.025, 100.05, 100.07, 100.14, 100.183 to 100.19, 100.201,~~
11 ~~100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and~~
12 ~~100.48,~~ together with any other services as are necessarily connected to the legal
13 services.

14 **SECTION 2097q.** 165.252 of the statutes is created to read:

15 **165.252 Consumer protection matters.** The department of justice shall
16 administer ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095, 100.28,
17 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and may promulgate rules to aid
18 in the administration and enforcement of these sections. The department of justice
19 may appear for the state in any court action relating to these sections.”.

20 **26.** Page 883, line 18: after that line insert:

21 “**SECTION 2392m.** 230.08 (2) (e) 2. of the statutes is amended to read:
22 230.08 (2) (e) 2. Agriculture, trade and consumer protection — ~~6~~ 5.”.

23 **27.** Page 966, line 24: after that line insert:

24 “**SECTION 2578g.** 344.576 (3) (a) 5. of the statutes is amended to read:

1 344.576 **(3)** (a) 5. The address and telephone number of the department of
2 ~~agriculture, trade and consumer protection~~ justice.

3 **SECTION 2578m.** 344.576 (3) (c) of the statutes is amended to read:

4 344.576 **(3)** (c) The department of ~~agriculture, trade and consumer protection~~
5 justice shall promulgate rules specifying the form of the notice required under par.
6 (a), including the size of the paper and the type size and any highlighting of the
7 information described in par. (a). The rule may specify additional information that
8 must be included in the notice and the precise language that must be used.

9 **SECTION 2578q.** 344.579 (2) (intro.) of the statutes is amended to read:

10 344.579 **(2)** ENFORCEMENT. (intro.) The department of ~~agriculture, trade and~~
11 ~~consumer protection~~ justice shall investigate violations of ss. 344.574, 344.576 (1),
12 (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade~~
13 ~~and consumer protection~~ justice may on behalf of the state:”.

14 **28.** Page 988, line 19: after that line insert:

15 “**SECTION 2660d.** 704.90 (9) of the statutes is amended to read:

16 704.90 **(9)** RULES. The department of ~~agriculture, trade and consumer~~
17 ~~protection~~ justice may promulgate rules necessary to carry out the purposes of this
18 section.

19 **SECTION 2660g.** 704.90 (11) (title) of the statutes is amended to read:

20 704.90 **(11)** (title) DUTIES OF THE DEPARTMENT OF AGRICULTURE, TRADE AND
21 CONSUMER PROTECTION JUSTICE.

22 **SECTION 2660m.** 704.90 (11) (a) of the statutes is amended to read:

23 704.90 **(11)** (a) Except as provided in par. (c), the department of ~~agriculture,~~
24 ~~trade and consumer protection~~ justice shall investigate alleged violations of this

1 section and rules promulgated under sub. (9). To facilitate its investigations, the
2 department may subpoena persons and records and may enforce compliance with the
3 subpoenas as provided in s. 885.12.

4 **SECTION 2660p.** 707.49 (4) of the statutes is amended to read:

5 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
6 escrow account, a developer may obtain a surety bond issued by a company
7 authorized to do business in this state, an irrevocable letter of credit or a similar
8 arrangement, in an amount which at all times is not less than the amount of the
9 deposits otherwise subject to the escrow requirements of this section. The bond,
10 letter of credit or similar arrangement shall be filed with the department of
11 agriculture, ~~trade and consumer protection~~ justice and made payable to the
12 department of agriculture, ~~trade and consumer protection~~ justice for the benefit of
13 aggrieved parties.

14 **SECTION 2660s.** 707.57 (2) of the statutes is amended to read:

15 707.57 (2) DEPARTMENT OF AGRICULTURE, ~~TRADE AND CONSUMER PROTECTION~~
16 JUSTICE AUTHORITY. (a) The department of agriculture, ~~trade and consumer~~
17 ~~protection~~ justice, or any district attorney upon informing the department of
18 agriculture, ~~trade and consumer protection~~ justice, may commence an action in
19 circuit court in the name of the state to restrain by temporary or permanent
20 injunction any violation of this chapter. Before entry of final judgment, the court may
21 make such orders or judgments as may be necessary to restore to any person any
22 pecuniary loss suffered because of the acts or practices involved in the action if proof
23 of these acts or practices is submitted to the satisfaction of the court.

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

4 **SECTION 2660w.** 707.57 (3) of the statutes is amended to read:

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

10 **29.** Page 993, line 3: after that line insert:

11 “**SECTION 2687d.** 779.41 (1m) of the statutes is amended to read:

12 779.41 (1m) Annually, on January 1, the department of ~~agriculture, trade and~~
13 ~~consumer protection~~ justice shall adjust the dollar amounts identified under sub. (1)
14 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
15 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

16 **SECTION 2687g.** 779.93 (title) of the statutes is amended to read:

17 **779.93 (title) Duties of the department of ~~agriculture, trade and~~**
18 **~~consumer protection~~ justice.**

19 **SECTION 2687m.** 779.93 (1) of the statutes is amended to read:

20 779.93 (1) The department of ~~agriculture, trade and consumer protection~~
21 justice shall investigate violations of this subchapter and attempts to circumvent
22 this subchapter. The department of ~~agriculture, trade and consumer protection~~
23 justice may subpoena persons and records to facilitate its investigations, and may
24 enforce compliance with such subpoenas as provided in s. 885.12.

1 **SECTION 2687s.** 779.93 (2) (intro.) of the statutes is amended to read:

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

5 **30.** Page 1037, line 24: delete the material beginning with that line and
6 ending with page 1038, line 14, and substitute:

7 “(1xx) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

8 (a) *Assets and liabilities.* All assets and liabilities of the department of
9 agriculture, trade and consumer protection that are primarily related to consumer
10 protection programs or functions that are being transferred to the department of
11 justice under this act shall become the assets and liabilities of the department of
12 justice. The departments of justice and agriculture, trade and consumer protection
13 shall jointly determine these assets and liabilities and shall jointly develop and
14 implement a plan for their orderly transfer. In the event of any disagreement
15 between the departments, the secretary of administration shall resolve the
16 disagreement.

17 (b) *Employee transfers.* The departments of justice and agriculture, trade and
18 consumer protection shall jointly determine which positions that are primarily
19 related to consumer protection programs or functions that are being transferred to
20 the department of justice under this act shall be transferred to the department of
21 justice. In the event of any disagreement between the departments, the secretary
22 of administration shall resolve the disagreement. The positions determined to be
23 transferred under this paragraph, and the incumbent employees in those positions,
24 shall be transferred to the department of justice.

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

7 (d) *Supplies and equipment.* All tangible personal property, including records,
8 of the department of agriculture, trade and consumer protection that are primarily
9 related to consumer protection programs or functions that are being transferred to
10 the department of justice under this act are transferred to the department of justice.
11 The departments of justice and agriculture, trade and consumer protection shall
12 jointly identify the tangible personal property, including records, and shall jointly
13 develop and implement a plan for their orderly transfer. In the event of any
14 disagreement between the departments, the secretary of administration shall
15 resolve the disagreement.

16 (e) *Pending matters.* Any matter pending with the department of agriculture,
17 trade and consumer protection that is primarily related to a consumer protection
18 program or function that is being transferred to the department of justice under this
19 act is being transferred to the department of justice. All materials submitted to or
20 actions taken by the department of agriculture, trade and consumer protection with
21 respect to the pending matter are considered as having been submitted to or taken
22 by the department of justice.

23 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
24 and consumer protection or by the department of justice that are primarily related
25 to consumer protection programs or functions that are being transferred to the

1 department of justice under this act, and that are in effect on the effective date of this
2 paragraph, remain in effect and those contracts entered into by the department of
3 agriculture, trade and consumer protection are transferred to the department of
4 justice. The departments of justice and agriculture, trade and consumer protection
5 shall jointly identify these contracts and shall jointly develop and implement a plan
6 for their orderly transfer. In the event of any disagreement between the
7 departments, the secretary of administration shall resolve the disagreement. The
8 department of justice shall carry out the obligations under these contracts until the
9 obligations are modified or rescinded by the department of justice to the extent
10 allowed under the contract.

11 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
12 trade and consumer protection that are in effect on the effective date of this
13 paragraph and that are primarily related to consumer protection programs or
14 functions that are being transferred to the department of justice under this act
15 remain in effect until their specified expiration date or until amended or repealed by
16 the department of justice. All orders issued by the department of agriculture, trade
17 and consumer protection that are in effect on the effective date of this paragraph and
18 that are primarily related to consumer protection programs or functions that are
19 being transferred to the department of justice under this act remain in effect until
20 their specified expiration date or until modified or rescinded by the department of
21 justice.

22 (1xy) NAME CHANGE. Wherever “agriculture, trade and consumer protection”
23 appears in the following sections of the statutes, as affected by this act, “agriculture,
24 trade, and rural resources” is substituted: 15.05 (1) (d), 15.07 (5) (d), 15.105 (12) (a)
25 1. and (16) (b) 1., 15.107 (16) (b) 2., 15.13, 15.135 (4) (am) and (b) 1., 15.137 (1) (a)

1 (intro.) and (b) and (5) (intro.), (a), and (b) 1., 15.155 (4) (a) 1., 15.347 (13) (b) 3. and
2 (18) (b) 3., 15.405 (5g), 15.445 (2) (e) and (4) (a) 6., 15.915 (1) (b) 1. and (2) (a), 16.023
3 (1) (g) (intro.), 16.045 (3), 16.967 (6), 20.115 (intro.), 20.866 (2) (we) and (wf), 20.923
4 (4) (f) 2., 23.235 (3m), 25.463, 26.30 (2) and (5), 26.36, 27.019 (3) and (12), 29.424 (2)
5 (b), 29.705 (4) (b), 29.875 (2), 30.12 (4m) (a) and (b), 30.20 (1) (d), 30.46 (1) (a) and (2),
6 31.02 (7m), 32.035 (1) (a), 36.25 (7) and (11) (c), 36.58 (2) (a) 3. and (c), (3) (b), and (5),
7 41.41 (4) (c) and (5) (e), 42.10, 59.70 (17) (a), 61.72, 66.0217 (9) (b), 66.0307 (4) (a) 1.,
8 66.0417 (1), 69.66, 84.01 (17), 86.19 (1m), 88.11 (1) (intro.), (1m), (3) (intro.), (4), (5)
9 (intro.), (6), and (7), 88.13, 88.15, 88.19 (4) (a) (intro.) and (d), 88.21 (5), 88.24 (intro.),
10 88.32 (3m), 88.35 (7), 88.77 (2), 91.01 (3), 92.03 (3), 92.14 (6) (d) and (m) and (14m),
11 92.15 (3), chapter 93 (title), 93.01 (3) and (15), 93.09 (6), 93.135 (2), 93.20 (1), 93.75
12 (3m) (b), (c), and (d), 94.72 (1) (d), 94.73 (2m) (b), (c), and (e), (4) (b), and (9), 95.22 (1)
13 and (3), 95.45 (4) (b), 95.55 (5) (a) and (c), 97.01 (4), 97.24 (3), 97.41 (1m), 98.04, 101.58
14 (2) (i), 101.586, 126.01 (8), 134.71 (12), 146.60 (1) (c), (2) (b), (3) (c) 1. and 2., and (5),
15 160.01 (7), 165.065 (2), 169.01 (7) and (35) (a), 169.03, 169.04 (2) (d) and (3) (a), 169.06
16 (1) (d) 1., 169.11 (1) (a) (intro.), 169.38 (title), 169.42 (1) (i), 173.01 (1), 174.001 (2),
17 174.11 (1) and (2), 182.01 (6), 196.857 (1g) (e), 227.14 (1s), 230.08 (2) (e) 2., 234.02 (1),
18 235.02 (2) (c), 235.04 (6), 254.02 (3) (a), 254.51 (2), 254.52 (2) (intro.), 254.58, 254.64
19 (1) (d), 254.69 (2) (am), 281.16 (3) (a) (intro.), (b), (c), and (e), 281.20 (1) (a) and (3) (c)
20 and (d) 3., 281.65 (3) (f), (3m) (a) 1. and (b) 1., (4) (as), (dr), (e), (g) (intro.), 2., and 4.,
21 (i), (L), (o), (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.), (5m), (7) (a) 2., (11),
22 and (12), 281.67, 281.695 (5), 281.75 (1) (e) 1., 287.11 (2s) (a) and (b), 292.11 (2) (d)
23 and (9) (d) 1. d., 292.33 (6), 299.11 (2) and (5) (a), 348.01 (2) (am), 348.15 (5) (intro.),
24 348.17 (4) (a) and (b) (intro.), 348.27 (11m) (a), 440.92 (7), 560.03 (1) and (18), 560.07

1 (6), 560.17 (7) (am), 560.92 (1), 562.02 (2) (fm), 710.02 (4) (a) (intro.), 823.08 (3) (c)
2 1., 885.01 (4), 895.57 (3), 943.75 (3), and 943.76 (3) (c).

3 (1xz) MEMBERSHIP OF THE BOARD OF AGRICULTURE, TRADE AND CONSUMER
4 PROTECTION. Notwithstanding section 15.13 of the statutes, as affected by this act,
5 any member of the board of agriculture, trade and consumer protection who is
6 serving on the board of agriculture, trade and consumer protection as a consumer
7 representative on the day before the effective date of this subsection shall be entitled
8 to continue to serve as a member of the board under section 15.13 of the statutes, as
9 affected by this act, until his or her successor is appointed and qualified.

10 (1xza) GRAIN INSPECTION. The authorized FTE positions for the department of
11 agriculture, trade and consumer protection, funded from the appropriation under
12 section 20.115 (1) (h) of the statutes, are decreased by 0.15 PR position on the
13 effective date of this subsection for the purpose of transferring certain consumer
14 information programs, functions, and enforcement activities to the department of
15 justice.”.

16 **31.** Page 1116, line 3: delete lines 3 to 7.

17 **32.** Page 1132, line 14: after that line insert:

18 “(1xx) CONSUMER PROTECTION ASSESSMENTS. The treatment of section 100.261
19 (3) (d) (by SECTION 1815m) of the statutes first applies to violations of chapter 133 of
20 the statutes, or rules promulgated under chapter 133 of the statutes, that are
21 committed on the effective date of this subsection.”.

22 **33.** Page 1143, line 3: after that line insert:

23 “(1xx) TRANSFER OF CONSUMER PROTECTION FUNCTIONS. The repeal of section
24 20.115 (8) (jm) of the statutes; the renumbering and amendment of section 100.207

1 (1) of the statutes; the amendment of sections 15.13, 15.137 (1) (a) (intro.), 20.115 (1)
2 (hm), 20.455 (1) (title), 93.07 (1), 93.07 (24), 93.18 (3), 93.20 (1), 93.22 (1), 93.22 (2),
3 100.07 (6), 100.171 (7) (b), 100.171 (8) (intro.), 100.173 (4) (intro.), 100.173 (4) (a),
4 100.174 (5) (intro.), 100.174 (6), 100.175 (5) (a) (intro.), 100.175 (5) (b), 100.175 (7)
5 (a) (intro.), 100.175 (7) (b), 100.178 (1) (b), 100.18 (11) (a), 100.18 (11) (b) 3., 100.18
6 (11) (c) 1., 100.18 (11) (c) 2., 100.18 (11) (c) 3., 100.18 (11) (c) 4., 100.18 (11) (d), 100.18
7 (11) (e), 100.182 (5) (a), 100.182 (5) (b), 100.20 (2) (a), 100.20 (2) (b), 100.20 (3), 100.20
8 (4), 100.20 (6), 100.201 (6) (d), 100.201 (8m) (intro.), 100.201 (9) (b), 100.201 (9) (c),
9 100.205 (7), 100.205 (8), 100.207 (6) (b) 1., 100.207 (6) (b) 2., 100.207 (6) (c), 100.207
10 (6) (em) 1., 100.207 (6) (em) 2., 100.208 (2) (intro.), 100.208 (2) (b), 100.209 (3),
11 100.209 (4) (b), 100.2095 (6) (b), 100.2095 (6) (c), 100.21 (2) (a), 100.21 (4) (a) (intro.),
12 100.22 (4) (b), 100.235 (11) (a), 100.26 (6), 100.261 (1), 100.261 (3) (b) (by SECTION
13 1814m), 100.263, 100.28 (4) (b), 100.28 (4) (c), 100.31 (4), 100.31 (5), 100.38 (5),
14 100.38 (6), 100.44 (5), 100.46 (1), 100.46 (2), 100.50 (6) (b), 100.50 (6) (c), 101.175 (3)
15 (intro.), 134.71 (12), 136.03 (title), 136.03 (1) (intro.), 136.04, 165.065 (2), 165.25 (4)
16 (ar), 230.08 (2) (e) 2., 344.576 (3) (a) 5., 344.576 (3) (c), 344.579 (2) (intro.), 704.90 (9),
17 704.90 (11) (title), 704.90 (11) (a), 707.49 (4), 707.57 (2), 707.57 (3), 779.41 (1m),
18 779.93 (title), 779.93 (1), and 779.93 (2) (intro.) of the statutes; the creation of
19 sections 20.455 (1) (g), 20.455 (1) (j), 93.07 (23), 93.18 (7), 100.177 (1) (bm), 100.207
20 (1) (a), 100.261 (3) (d) (by SECTION 1815m), 100.261 (3) (e), 100.37 (1) (am), 100.41 (1)
21 (bn), 100.42 (1) (cm), 100.43 (1) (am), 100.52 (1) (bn), and 165.252 of the statutes; and
22 SECTIONS 9104 (1xx), (1xy), (1xz) and (1xza) and 9304 (1xx) of this act take effect on
23 October 1, 2003, or on the first day of the 3rd month beginning after publication,
24 whichever is later.”.

1 **34.** Page 1152, line 22: delete “(3) (a) and (b) (by SECTION 1815),” and
2 substitute “(3) (a), (b) (by SECTION 1815), and (d) (by SECTION 1815t),”.

3

(END)