

2003 DRAFTING REQUEST

**Appendix
1**

Senate Amendment (SA-SSA1-SB44)

Received: 06/13/2003

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Charles Chvala (608) 266-9170

By/Representing: Maribeth Witzel-Behl

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies:

Submit via email: YES

Requester's email: Sen.Chvala@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transfer consumer protection functions from DATCP 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>
/?							
/1	rnelson2 06/16/2003	kgilfoy 06/18/2003	chaugen 06/18/2003		mbarman 06/18/2003	mbarman 06/18/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB44)

Received: 06/13/2003

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Charles Chvala (608) 266-9170

By/Representing: Maribeth Witzel-Behl

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies: KMG

Submit via email: YES

Requester's email: Sen.Chvala@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transfer consumer protection functions from DATCP 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>
1?	rnelson2	1-6/17 KMG	1-6/17 cph	cph/le cph			

FE Sent For:

<END>

Budget Amendment Bill Request Form

M66

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 6-2-03
Legislator, agency, or other person requesting this draft Senator Chvala
Person submitting request (name and phone number) Maribeth Witzel-Behl
Persons to contact for questions about this draft (names and phone numbers) 266-9170

Describe the problem, including any helpful examples. How do you want to solve the problem?

Delete FM483. Adopt Governor's proposal instead, moving Consumer Protection to the Department of Justice.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? - we would need it by the time the Senate takes up the budget!
YES NO If yes, please indicate why

Should we give this request priority over any pending request of this legislator, agency, or person?
 YES NO

DATCP



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 6/16/03

DELIVER TO: Bob Nelson

Addressee Fax #: 4-6949 Addressee Phone #: 7-7511

of Pages, Including Cover: 2 Sender's Initials: CP

From: Chris Pollek

Message:

Bob,
Here are the changes to the sub. (to consumer protection and telephone solicitation) to reflect the Governor's intent.
Please contact me with any questions,

Chris

Changes to Sub.:	Funding		Positions
	2003-04	2004-05	
115(1)(a)	\$1,445,400	(\$1,445,400)	-26.35
115(1)(h)(d)	(\$15,800)	(\$15,800)	-0.15
115(1)(hm)	(\$21,000)	(\$21,000)	-0.20
115(1)(j)	(\$31,100)	(\$31,100)	-0.30
115(8)(jm)	(\$492,200)	(\$582,600)	-5.50
455(1)(a)	\$1,563,800	\$1,463,800	26.00
recreate 455(1)(j)	\$492,200	\$582,600	5.50
recreate 455(1)(g)	0	0	0.00
GPR Change	\$118,400	\$18,400	-0.35
PR Change	(\$67,900)	(\$67,900)	-0.65
Net Effect	\$50,500	(\$49,500)	-1.00
Total Change	\$1,000	-1.00	

2003 - 2004 LEGISLATURE

LRBb0431/1

Due Tues.

RPN... King
kg

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

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

2

(END)

DOA:.....Mukasa - BB0264, Transfer of consumer protection functions to
DOJ

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, 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. 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 collection, 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. This bill also requires the imposition of the consumer protection assessment for fines or forfeitures resulting from the violation of statutes prohibiting the creation of monopolies and the unfair and discriminatory business practices that hamper competition.

Under current law DATCP is under the supervision and direction the Board of Agriculture, Trade and Consumer Protection. The board currently consists of nine members, seven of whom have an agricultural background and two of whom are consumer representatives. This bill changes the composition of the board so that all nine members have agricultural backgrounds.

The bill also changes the name of DATCP to the Department of Agriculture, Trade, and Rural Resources.

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

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

✓ # Page 29, line 13: after that line insert:
" SECTION 15.13

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

19p

1 SECTION 2 15.137 (1) (a) (intro.) of the statutes is amended to read:

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

✓
insert
3-5
2879

6 #. Page 278, line 2: delete lines 2 to 6 and substitute:
SECTION 2. 20.115 (1) (hm) of the statutes is amended to read:

7 20.115 (1) (hm) Ozone-depleting refrigerants and products regulation. The
8 amounts in the schedule for administration of the mobile air conditioner servicing
9 and refrigerant recycling programs and for responsibilities under ss. s. 100.45 and
10 100.50 relating to sales and labeling of products containing or made with
11 ozone-depleting substances. All moneys received from fees under s. 100.45 (5) (a)
12 3. and (5m) shall be credited to this appropriation. "

291m

13 #. Page 278, line 12: delete the material beginning with that line
SECTION 4. 20.115 (8) (jm) of the statutes is repealed. " and ending with page
279, line 2, and substituted

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

555g

14 #. Page 339, 555g line 1: after that line insert:
SECTION 7. 20.455 (1) (title) of the statutes is amended to read:

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

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

555j

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

16 20.455 (1) (g) Consumer protection, information, and education. The amounts
17 in the schedule for consumer protection and consumer information and education.
18 All moneys received under s. 100.261 (3) (d) shall be credited to this appropriation
19 account, subject to the limit under s. 100.261 (3) (e).
20

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

555m

21 SECTION 7. 20.455 (1) (j) of the statutes is created to read:

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

✓ ~~NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.~~

#- Page 742, line 7; after that line insert:

5 ^{1935g} SECTION ~~8~~ 93.07 (1) of the statutes is amended to read:

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

12 ^{1935h} SECTION ~~9~~ 93.07 (23) of the statutes is created to read:

13 93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to
14 100.14, 100.183 to 100.19, 100.201, 100.202, 100.206, 100.21 to 100.24, 100.265,
15 100.27, 100.285 to 100.30, 100.33 to 100.36, 100.45, 100.47, 100.48, and 100.51.

16 ^{1935j} SECTION ~~10~~ 93.07 (24) of the statutes is amended to read:

17 93.07 (24) ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.
18 88 and 93 to 99, those laws under ch. 100 administered by the department, and all
19 other laws entrusted to its administration, and especially:

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

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

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

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

13 SECTION ¹⁹³⁵⁴ ~~X~~. 93.18 (3) of the statutes is amended to read:

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

^(m)
1735m

1 SECTION ~~12~~. 93.18 (7) of the statutes is created to read:

2 93.18 (7) The department of justice shall follow the procedures under subs. (1),
3 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the
4 department of justice.

1735p

5 SECTION ~~13~~. 93.20 (1) of the statutes is amended to read:

6 93.20 (1) DEFINITION. In this section, "action" means an action that is
7 commenced in court by, or on behalf of, the department of agriculture, trade and
8 consumer protection to enforce chs. 88, 91 to 100 or 126 or an action that is
9 commenced in court by the department of justice to enforce ch. 100.

1735q → 9

10 SECTION ~~14~~. 93.22 (1) of the statutes is amended to read:

11 93.22 (1) In cases arising under chs. 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21,
12 100.30, and 100.51, the department may be represented by its attorney.

1735r

13 SECTION ~~15~~. 93.22 (2) of the statutes is amended to read:

14 93.22 (2) The department may, with the approval of the governor, appoint
15 special counsel to prosecute or assist in the prosecution of any case arising under chs.
16 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21, 100.30, and 100.51. The cost of such
17 special counsel shall be charged to the appropriation for the department. " -

✓ #. Page 751, line 25, after that line insert:

18 SECTION ~~16~~. 100.07 (6) of the statutes is amended to read:

1760c

19 100.07 (6) ~~Action~~ Upon request of the department of agriculture, trade, and
20 rural resources, an action to enjoin violation of this section may be commenced and
21 prosecuted by the department of justice in the name of the state in any court having
22 equity jurisdiction.

1760d

23 SECTION ~~17~~. 100.171 (7) (b) of the statutes, as affected by 2001 Wisconsin Act
24 109, section 263, is amended to read:

1 100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class
2 I felony. A person intentionally violates this section if the violation occurs after the
3 department of justice or a district attorney has notified the person by certified mail
4 that the person is in violation of this section.

5 ^{1760 e}
SECTION ~~18~~. 100.171 (8) (intro.) of the statutes is amended to read:

6 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate
7 violations of this section. The department of justice or any district attorney may on
8 behalf of the state:

9 ^{1760 f}
SECTION ~~19~~. 100.173 (4) (intro.) of the statutes is amended to read:

10 100.173 (4) (intro.) The department of justice shall investigate violations of this
11 section. The department of justice, or any district attorney upon informing the
12 department of justice, may, on behalf of the state, do any of the following:

13 ^{1760 f → g}
SECTION ~~20~~. 100.173 (4) (a) of the statutes is amended to read:

14 100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in
15 any court of competent jurisdiction for any violation of this section. The relief sought
16 by the department of justice or district attorney may include the payment by a
17 promoter into an escrow account of an amount estimated to be sufficient to pay for
18 ticket refunds. The court may, upon entry of final judgment, award restitution when
19 appropriate to any person suffering loss because of violations of this section if proof
20 of such loss is submitted to the satisfaction of the court.

21 ^{1760 h}
SECTION ~~21~~. 100.174 (5) (intro.) of the statutes is amended to read:

22 100.174 (5) (intro.) The department of justice or any district attorney may on
23 behalf of the state:

24 ^{1760 i}
SECTION ~~22~~. 100.174 (6) of the statutes is amended to read:

1 100.174 (6) The department of justice shall investigate violations of and
2 enforce this section.

3 SECTION ^{1760j}~~23~~. 100.175 (5) (a) (intro.) of the statutes is amended to read:

4 100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to
5 pay more than \$100 for dating services before the buyer receives or has the
6 opportunity to receive those services unless the person selling dating services
7 establishes proof of financial responsibility by maintaining any of the following
8 commitments approved by the department of justice in an amount not less than
9 \$25,000:

10 SECTION ^{1760k}~~24~~. 100.175 (5) (b) of the statutes is amended to read:

11 100.175 (5) (b) The commitment described in par. (a) shall be established in
12 favor of or made payable to the state, for the benefit of any buyer who does not receive
13 a refund under the contractual provision described in sub. (3). The person selling
14 dating services shall file with the department of justice any agreement, instrument
15 or other document necessary to enforce the commitment against the person selling
16 dating services or any relevant 3rd party, or both.

17 SECTION ^{1760m}~~25~~. 100.175 (7) (a) (intro.) of the statutes is amended to read:

18 100.175 (7) (a) (intro.) The department of justice or any district attorney may
19 on behalf of the state:

20 SECTION ¹⁷⁶⁰ⁿ~~26~~. 100.175 (7) (b) of the statutes is amended to read:

21 100.175 (7) (b) The department of justice may bring an action in circuit court
22 to recover on a financial commitment maintained under sub. (5) against a person
23 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does
24 not receive a refund due under the contractual provision described in sub. (3).

25 SECTION ^{1760p}~~27~~. 100.177 (1) (bm) of the statutes is created to read:

1 100.177 (1) (bm) Notwithstanding s. 93.01 (3), "department" means the
2 department of justice.

3 ¹⁷⁶⁰⁸⁻⁹
SECTION ~~28~~. 100.178 (1) (b) of the statutes is amended to read:

4 100.178 (1) (b) Notwithstanding s. 93.01 (3), "department" means the
5 department of ~~health and family services~~ justice.

6 ¹⁷⁶⁰⁸⁻⁵
SECTION ~~29~~. 100.18 (11) (a) of the statutes is amended to read:

7 100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~
8 justice shall enforce this section. Actions to enjoin violation of this section or any
9 regulations thereunder may be commenced and prosecuted by the department of
10 justice in the name of the state in any court having equity jurisdiction. This remedy
11 is not exclusive.

12 ¹⁷⁶⁰⁸⁻⁵
SECTION ~~30~~. 100.18 (11) (b) 3. of the statutes is amended to read:

13 100.18 (11) (b) 3. No action may be commenced under this section more than
14 3 years after the occurrence of the unlawful act or practice which is the subject of the
15 action. No injunction may be issued under this section which would conflict with
16 general or special orders of the department of justice or any statute, rule or
17 regulation of the United States or of this state.

18 ¹⁷⁶⁰⁸⁻⁵
SECTION ~~31~~. 100.18 (11) (c) 1. of the statutes is amended to read:

19 100.18 (11) (c) 1. Whenever the department of justice has reason to believe that
20 a person is in possession, custody or control of any information or documentary
21 material relevant to the enforcement of this section it may require that person to
22 submit a statement or report, under oath or otherwise, as to the facts and
23 circumstances concerning any activity in the course of trade or commerce; examine
24 under oath that person with respect to any activity in the course of trade or
25 commerce; and execute in writing and cause to be served upon such person a civil

1 investigative demand requiring the person to produce any relevant documentary
2 material for inspection and copying.

3 ^{1761c} SECTION ~~32~~. 100.18 (11) (c) 2. of the statutes is amended to read:

4 100.18 (11) (c) 2. The department of justice, in exercising powers under this
5 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in
6 any investigation.

7 ^{1761d} SECTION ~~33~~. 100.18 (11) (c) 3. of the statutes is amended to read:

8 100.18 (11) (c) 3. Service of any notice by the department of justice requiring
9 a person to file a statement or report, or service of a subpoena upon a person, or
10 service of a civil investigative demand shall be made in compliance with the rules of
11 civil procedure of this state.

12 ^{1761e} SECTION ~~34~~. 100.18 (11) (c) 4. of the statutes is amended to read:

13 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
14 comply with any civil investigative demand, or fails to obey any subpoena issued by
15 the department of justice, such person may be coerced as provided in s. 885.12, except
16 that no person shall be required to furnish any testimony or evidence under this
17 subsection which might tend to incriminate the person.

18 ^{1761f} SECTION ~~35~~. 100.18 (11) (d) of the statutes is amended to read:

19 100.18 (11) (d) The ~~department or the~~ department of justice, ~~after consulting~~
20 ~~with the department~~, or any district attorney, upon informing the department of
21 justice, may commence an action in circuit court in the name of the state to restrain
22 by temporary or permanent injunction any violation of this section. The court may
23 in its discretion, prior to entry of final judgment, make such orders or judgments as
24 may be necessary to restore to any person any pecuniary loss suffered because of the
25 acts or practices involved in the action, provided proof thereof is submitted to the

1 satisfaction of the court. ~~The department and the department of justice may~~
2 subpoena persons and require the production of books and other documents, ~~and the~~
3 ~~department of justice may request the department to exercise its authority under~~
4 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

5 ^{1761g} SECTION ~~36~~. 100.18 (11) (e) of the statutes is amended to read:

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

16 ^{1761h} SECTION ~~37~~. 100.182 (5) (a) of the statutes is amended to read:

17 100.182 (5) (a) Any district attorney, after informing the department of justice,
18 or the department of justice may seek a temporary or permanent injunction in circuit
19 court to restrain any violation of this section. Prior to entering a final judgment the
20 court may award damages to any person suffering monetary loss because of a
21 violation. The department of justice may subpoena any person or require the
22 production of any document to aid in investigating alleged violations of this section.

23 ¹⁷⁶¹ⁱ SECTION ~~38~~. 100.182 (5) (b) of the statutes is amended to read:

24 100.182 (5) (b) In lieu of instituting or continuing an action under this
25 subsection, the department of justice may accept a written assurance from a violator

1 of this section that the violation has ceased. If the terms of the assurance so provide,
2 its acceptance by the department of justice prevents all district attorneys from
3 prosecuting the violation. An assurance is not evidence of a violation of this section
4 but violation of an assurance is subject to the penalties and remedies of violating this
5 section.

6 ^{1761j} SECTION ~~38~~ 100.20 (2) (a) of the statutes is amended to read:

7 100.20 (2) (a) The department of justice, after public hearing, may issue
8 general orders forbidding methods of competition in business or trade practices in
9 business which are determined by the department of justice to be unfair. The
10 department of justice, after public hearing, may issue general orders prescribing
11 methods of competition in business or trade practices in business which are
12 determined by the department of justice to be fair.

13 ^{1761k} SECTION ~~40~~ 100.20 (2) (b) of the statutes is amended to read:

14 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
15 any order or promulgate any rule that regulates the provision of water or sewer
16 service by a manufactured home park operator, as defined in s. 101.91 (8), or
17 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule
18 to the extent that the rule regulates the provision of such water or sewer service.

19 ^{1761m} SECTION ~~41~~ 100.20 (3) of the statutes is amended to read:

20 100.20 (3) The department of justice, after public hearing, may issue a special
21 order against any person, enjoining such person from employing any method of
22 competition in business or trade practice in business which is determined by the
23 department of justice to be unfair or from providing service in violation of sub. (1t).

24 The department of justice, after public hearing, may issue a special order against any

1 person, requiring such person to employ the method of competition in business or
2 trade practice in business which is determined by the department of justice to be fair.

3 ^{176/n} SECTION ~~42~~. 100.20 (4) of the statutes is amended to read:

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

13 ^{176/p} SECTION ~~43~~. 100.20 (6) of the statutes is amended to read:

14 100.20 (6) The department of justice may commence an action in circuit court
15 in the name of the state to restrain by temporary or permanent injunction the
16 violation of any order issued under this section. The court may in its discretion, prior
17 to entry of final judgment, make such orders or judgments as may be necessary to
18 restore to any person any pecuniary loss suffered because of the acts or practices
19 involved in the action, provided proof thereof is submitted to the satisfaction of the
20 court. The department of justice may use its authority in ss. 93.14 and 93.15 to
21 investigate violations of any order issued under this section.

22 ^{176/g-9} SECTION ~~44~~. 100.201 (6) (d) of the statutes is amended to read:

23 100.201 (6) (d) The failure to pay fees under this subsection within the time
24 provided under par. (c) is a violation of this section. The department of justice may

1 also commence an action to recover the amount of any overdue fees plus interest at
2 the rate of 2% per month for each month that the fees are delinquent.

3 ^{1761r} SECTION ~~45~~. 100.201 (8m) (intro.) of the statutes is amended to read:

4 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
5 acts or omissions which take place in whole or in part outside this state. In any action
6 or administrative proceeding the department of justice has jurisdiction of the person
7 served under s. 801.11 when any act or omission outside this state by the defendant
8 or respondent results in local injury or may have the effect of injuring competition
9 or a competitor in this state or unfairly diverts trade or business from a competitor,
10 if at the time:

11 ^{1761s} SECTION ~~46~~. 100.201 (9) (b) of the statutes is amended to read:

12 100.201 (9) (b). The department of agriculture, trade, and rural resources, after
13 public hearing held under s. 93.18, may issue a special order against any person
14 requiring such person to cease and desist from acts, practices or omissions
15 determined by the department of agriculture, trade, and rural resources to violate
16 this section. Such orders shall be subject to judicial review under ch. 227. Any
17 violation of a special order issued hereunder shall be punishable as a contempt under
18 ch. 785 in the manner provided for disobedience of a lawful order of a court, upon the
19 filing of an affidavit by the department of justice of the commission of such violation
20 in any court of record in the county where the violation occurred.

21 ^{1761z} SECTION ~~47~~. 100.201 (9) (c) of the statutes is amended to read:

22 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
23 remedies herein provided, may apply to a circuit court for a temporary or permanent
24 injunction to prevent, restrain or enjoin any person from violating this section or any
25 special order of the department of agriculture, trade, and rural resources issued

1 ~~hereunder~~ under this section, without being compelled to allege or prove that an
2 adequate remedy at law does not exist.

3 ^{1761 u} SECTION ~~48~~. 100.205 (7) of the statutes is amended to read:

4 100.205 (7) The department of justice, or any district attorney on informing the
5 department of justice, may commence an action in circuit court in the name of the
6 state to restrain by temporary or permanent injunction any violation of this section.
7 The court may, before entry of final judgment and after satisfactory proof, make
8 orders or judgments necessary to restore to any person any pecuniary loss suffered
9 because of a violation of this section. The department of justice may conduct
10 hearings, administer oaths, issue subpoenas and take testimony to aid in its
11 investigation of violations of this section.

12 ^{1761 v} SECTION ~~49~~. 100.205 (8) of the statutes is amended to read:

13 100.205 (8) The department of justice or any district attorney may commence
14 an action in the name of the state to recover a forfeiture to the state of not more than
15 \$10,000 for each violation of this section.

16 ^{1762 c} SECTION ~~50~~. 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.) and
17 amended to read:

18 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
19 “telecommunications:

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

21 ^{1762 d} SECTION ~~51~~. 100.207 (1) (a) of the statutes is created to read:

22 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the
23 department of justice.

24 ^{1762 e} SECTION ~~52~~. 100.207 (6) (b) 1. of the statutes is amended to read:

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

12 ^{1762 f}
SECTION ~~53~~. 100.207 (6) (b) 2. of the statutes is amended to read:

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

19 ^{1762 g}
SECTION ~~54~~. 100.207 (6) (c) of the statutes is amended to read:

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

25 ^{1762 h}
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 shall form an advisory group to suggest recommendations regarding the
3 content and scope of the proposed rule. The advisory group shall consist of one or
4 more persons who may be affected by the proposed rule, ~~a representative from the~~
5 ~~department of justice~~ and a representative from the public service commission.

6 ^{1762c}
SECTION ~~56~~. 100.207 (6) (em) 2. of the statutes is amended to read:

7 100.207 (6) (em) 2. The department shall submit the recommendations under
8 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
9 ~~and to the board of agriculture, trade and consumer protection.~~

10 ^{1762j}
SECTION ~~57~~. 100.208 (2) (intro.) of the statutes is amended to read:

11 100.208 (2) (intro.) The department of justice shall notify the public service
12 commission if any of the following conditions exists:

13 ^{1762k}
SECTION ~~58~~. 100.208 (2) (b) of the statutes is amended to read:

14 100.208 (2) (b) The department of justice has issued an order under s. 100.20
15 (3) prohibiting a telecommunications provider from engaging in an unfair trade
16 practice or method of competition.

17 ^{1762m}
SECTION ~~59~~. 100.209 (3) of the statutes is amended to read:

18 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
19 prohibit the department of justice from promulgating a rule or from issuing an order
20 consistent with its authority under this chapter that gives a subscriber greater rights
21 than the rights under sub. (2) or prohibit a city, village or town from enacting an
22 ordinance that gives a subscriber greater rights than the rights under sub. (2).

23 ¹⁷⁶²ⁿ
SECTION ~~60~~. 100.209 (4) (b) of the statutes is amended to read:

24 100.209 (4) (b) The department of justice and the district attorneys of this state
25 have concurrent authority to institute civil proceedings under this section.

1762 p

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

2 100.2095 (6) (b) The department of justice may commence an action in the
3 name of the state to restrain by temporary or permanent injunction a violation of sub.
4 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
5 orders to restore to any person any pecuniary loss suffered by the person because of
6 the violation.

1762 q

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

8 100.2095 (6) (c) The department of justice or any district attorney may
9 commence an action in the name of the state to recover a forfeiture to the state of not
10 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

1762 r

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

12 100.21 (2) (a) No person may make an energy savings or safety claim without
13 a reasonable and currently accepted scientific basis for the claim when the claim is
14 made. Making an energy savings or safety claim without a reasonable and currently
15 accepted scientific basis is also an unfair method of competition and trade practice
16 prohibited under s. 100.20.

1762 s

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

18 100.21 (4) (a) (intro.) The department may, after public hearing, issue general
19 or special orders under s. 100.20:

1762 t

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

21 100.22 (4) (b) The department of justice may, without alleging or proving that
22 no other adequate remedy at law exists, bring an action on behalf of the department
23 of agriculture, trade, and rural resources to enjoin violations of this section or a
24 special order issued under this section in the circuit court for the county where the
25 alleged violation occurred.

1763 c

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

2 100.235 (11) (a) *Forfeiture*. Any person who violates this section or any rule
3 promulgated or order issued under this section may be required to forfeit not less
4 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~
5 ~~may commence an action to recover a forfeiture under this paragraph.~~

1763 d

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

7 100.26 (6) ~~The department, the department of justice, after consulting with the~~
8 ~~department, or any district attorney may commence an action in the name of the~~
9 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~
10 ~~\$10,000 for each violation of Any person violating an injunction issued under s.~~
11 ~~100.18, 100.182 or 100.20 (6). The department of agriculture, trade and consumer~~
12 ~~protection or any district attorney may commence an action in the name of the state~~
13 ~~to recover a civil is subject to a forfeiture of not less than \$100 nor more than \$10,000~~
14 ~~for each violation. Any person violating an order issued under s. 100.20 is subject~~
15 ~~to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each~~
16 ~~violation of an order issued under s. 100.20.~~

1763 f

17 SECTION ~~68~~. 100.261 (1) of the statutes is amended to read:

18 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,
19 or ch. 98 or 133, a rule promulgated under this chapter or ch. 98 or 133, or an
20 ordinance enacted under this chapter or ch. 98 or 133, the court shall also impose a
21 consumer protection assessment in an amount equal to 25% of the fine or forfeiture
22 imposed. If multiple violations are involved, the court shall base the consumer
23 protection assessment upon the the total of the fine or forfeiture amounts for all
24 violations. If a fine or forfeiture is suspended in whole or in part, the court shall
25 reduce the assessment in proportion to the suspension. " .

SECTION 69

✓ #. Page 752, line 12; after that line insert:

1 SECTION 69. 100.261 (3) (b) of the statutes is amended to read:

2 100.261 (3) (b) The state treasurer shall deposit the consumer protection
3 assessment amounts imposed for a violation of ch. 98, a rule promulgated under ch.
4 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them
5 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.

(c). "

→ #. Page 752, line 21; delete the material beginning with that line and ending with page 753, line 11, and substitute:

6
7 SECTION 70. 100.261 (3) (d) of the statutes is created to read:
8 100.261 (3) (d) The state treasurer shall deposit the consumer protection
9 assessment amounts imposed for a violation of this chapter or ch. 133, a rule
10 promulgated under this chapter or ch. 133, or an ordinance enacted under this
11 chapter in the general fund and shall credit them to the appropriation account under
12 s. 20.455 (1) (g), subject to the limit under par. (e).

13 SECTION 71. 100.261 (3) (e) of the statutes is created to read:

14 100.261 (3) (e) The amount credited to the appropriation account under s.
15 20.455 (1) (g) may not exceed \$375,000 in each fiscal year. " - before

✓ #. Page 753, line 15; that line insert:

16 SECTION 72. 100.263 of the statutes is amended to read:
17

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

Insert 20-6
1815M

Insert 20-12
1815V

1825C

1 deposited in the general fund that was awarded under this section for the costs of
2 investigation and the expenses of prosecution, including attorney fees, shall be
3 credited to the appropriation account under s. 20.455 (1) (gh).

4 ~~SECTION 73.~~ ^{1825 d} 100.28 (4) (b) of the statutes is amended to read:

5 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
6 department of justice may seek an injunction restraining any person from violating
7 this section.

8 ~~SECTION 74.~~ ^{1825 e} 100.28 (4) (c) of the statutes is amended to read:

9 100.28 (4) (c) The department of justice, or any district attorney upon the
10 request of the department of justice, may commence an action in the name of the
11 state under par. (a) or (b).

12 ~~SECTION 75.~~ ^{1825 f} 100.31 (4) of the statutes is amended to read:

13 100.31 (4) PENALTIES. For any violation of this section, the department of justice
14 or a district attorney may commence an action on behalf of the state to recover
15 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each
16 delivery of a drug sold to a purchaser at a price in violation of this section and each
17 separate day in violation of an injunction issued under this section is a separate
18 offense.

19 ~~SECTION 76.~~ ^{1825 g} 100.31 (5) of the statutes is amended to read:

20 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
21 may bring an action to enjoin a violation of this section without being compelled to
22 allege or prove that an adequate remedy at law does not exist. An action under this
23 subsection may be commenced and prosecuted by the department of justice or a
24 district attorney, in the name of the state, in a circuit court in the county where the
25 offense occurred or in Dane County, notwithstanding s. 801.50.

h

1825 h

1 SECTION ~~74~~. 100.37 (1) (am) of the statutes is created to read:

2 100.37 (1) (am) Notwithstanding s. 93.01 (3), "department" means the
3 department of justice.

1825 i

4 SECTION ~~75~~. 100.38 (5) of the statutes is amended to read:

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

1825 j

9 SECTION ~~76~~. 100.38 (6) of the statutes is amended to read:

10 100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is
11 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
12 department of justice may bring an action to enjoin violations of this section.

1825 k

13 SECTION ~~77~~. 100.41 (1) (bn) of the statutes is created to read:

14 100.41 (1) (bn) Notwithstanding s. 93.01 (3), "department" means the
15 department of justice.

1825 m

16 SECTION ~~78~~. 100.42 (1) (cm) of the statutes is created to read:

17 100.42 (1) (cm) Notwithstanding s. 93.01 (3), "department" means the
18 department of justice.

1825 p

19 SECTION ~~79~~. 100.43 (1) (am) of the statutes is created to read:

20 100.43 (1) (am) Notwithstanding s. 93.01 (3), "department" means the
21 department of justice.

1825 q → q

22 SECTION ~~80~~. 100.44 (5) of the statutes is amended to read:

23 100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice
24 may, on behalf of the state, bring an action in any court of competent jurisdiction for
25 the recovery of forfeitures authorized under sub. (4), for temporary or permanent

1 injunctive relief and for any other appropriate relief. The court may make any order
2 or judgment that is necessary to restore to any person any pecuniary loss suffered
3 because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the
4 court.

5 ^{1825 r} SECTION ~~84~~. 100.46 (1) of the statutes is amended to read:

6 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by
7 rule adopt energy conservation standards for products that have been established in
8 or promulgated under 42 USC 6291 to 6309.

9 ^{1825 s} SECTION ~~85~~. 100.46 (2) of the statutes is amended to read:

10 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install
11 or cause to be installed any product that is not in compliance with rules promulgated
12 under sub. (1). In addition to other penalties and enforcement procedures, the
13 department of justice may apply to a court for a temporary or permanent injunction
14 restraining any person from violating a rule adopted under sub. (1).

15 ^{1825 t} SECTION ~~86~~. 100.50 (6) (b) of the statutes is amended to read:

16 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
17 department of justice may seek an injunction restraining any person from violating
18 this section.

19 ^{1825 u} SECTION ~~87~~. 100.50 (6) (c) of the statutes is amended to read:

20 100.50 (6) (c) The department of justice, or any district attorney upon the
21 request of the department of justice, may commence an action in the name of the
22 state under par. (a) or (b).

23 ^{1825 w} SECTION ~~88~~. 100.52 (1) (bn) of the statutes is created to read:

24 100.52 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
25 department of justice. “

✓ #. Page 755, line 3: after that line insert:
1842m

1 SECTION 89. 101.175 (3) (intro.) of the statutes is amended to read:

2 101.175 (3) (intro.) The department, in consultation with the department of
3 agriculture, ~~trade and consumer protection justice~~, shall establish by rule quality
4 standards for local energy resource systems which do not impede development of
5 innogative systems but which do:

✓ #. Page 806, line 3: after that line insert:
2042m

6 SECTION 90. 134.71 (12) of the statutes is amended to read:

7 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and
8 consumer protection, in consultation with the department of justice, shall develop
9 applications and other forms required under subs. (5) (intro.) and (8) (c). The
10 department of agriculture, trade and consumer protection shall print a sufficient
11 number of applications and forms to provide to counties and municipalities for
12 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry
13 dealers at no cost.

✓ #. Page 806, line 9: after that line insert:
2050g

14 SECTION 91. 136.03 (title) of the statutes is amended to read:

15 136.03 (title) Duties of the department of ~~agriculture, trade and~~
16 ~~consumer protection justice~~.

17 SECTION 92. 136.03 (1) (intro.) of the statutes is amended to read:

18 136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~
19 ~~protection justice~~ shall investigate violations of this chapter and of rules and orders
20 issued under s. 136.04. The department of justice may subpoena persons and records
21 to facilitate its investigations, and may enforce compliance with such subpoenas as
22 provided in s. 885.12. The department of justice may in on behalf of the state:

23 SECTION 93. 136.04 of the statutes is amended to read:

24 136.04 Powers of the department of ~~agriculture, trade and consumer~~
25 ~~protection justice~~. (1) The department of ~~agriculture, trade and consumer~~

2050g

1 ~~protection justice~~ may adopt such rules as may be required to carry out the purposes
2 of this chapter.

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

7 *Page 838, line 15: after that line insert:*
SECTION ~~94~~ ^{2697g} 165.065 (2) of the statutes is amended to read:

8 165.065 (2) The assistant attorney general in charge of antitrust investigations
9 and prosecutions is to cooperate actively with the antitrust division of the U.S.
10 department of justice in everything that concerns monopolistic practices in
11 Wisconsin, and also to cooperate actively with the department of agriculture, trade
12 and consumer protection in the work which this agency is carrying on under s. 100.20
13 of the ~~marketing law~~ with regard to monopolistic practices in the field of agriculture
14 and with the federal trade commission on matters arising in or affecting Wisconsin
15 which pertain to its jurisdiction.

16 SECTION ~~95~~ ^{2091m} 165.25 (4) (ar) of the statutes is amended to read:

17 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~
18 ~~required by represent~~ the department of agriculture, trade and consumer protection
19 in any court action relating to the enforcement of ~~ss. 100.171, 100.173, 100.174,~~
20 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
21 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~
22 ch. 126 and ss. 100.01 to 100.025, 100.05, 100.07, 100.14, 100.183 to 100.19, 100.201,
23 100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and
24 100.48, together with any other services as are necessarily connected to the legal
25 services.

2091g

2097g

1 SECTION 96. 165.252 of the statutes is created to read:

2 165.252 Consumer protection matters. The department of justice shall
3 administer ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095, 100.28,
4 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and may promulgate rules to aid
5 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. "

✓
In s.a. p. 20-197
2578g
8

→ # Page 966, line 24: after that line insert:
SECTION 97. 344.576 (3) (a) 5. of the statutes is amended to read:

2578g

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

2578g

10 SECTION 98. 344.576 (3) (c) of the statutes is amended to read:

11 344.576 (3) (c) The department of agriculture, trade and consumer protection
12 justice shall promulgate rules specifying the form of the notice required under par.
13 (a), including the size of the paper and the type size and any highlighting of the
14 information described in par. (a). The rule may specify additional information that
15 must be included in the notice and the precise language that must be used.

2578g →

16 SECTION 99. 344.579 (2) (intro.) of the statutes is amended to read:

17 344.579 (2) ENFORCEMENT. (intro.) The department of agriculture, trade and
18 consumer protection justice shall investigate violations of ss. 344.574, 344.576 (1),
19 (2) and (3) (a) and (b), 344.577 and 344.578. The department of agriculture, trade
20 and consumer protection justice may on behalf of the state: "

✓ # Page 988, line 19: after that line insert:
SECTION 100. 704.90 (9) of the statutes is amended to read:

2660d

21 704.90 (9) RULES. The department of agriculture, trade and consumer
22 protection justice may promulgate rules necessary to carry out the purposes of this
23 section.
24

2660g

25 SECTION 101. 704.90 (11) (title) of the statutes is amended to read:

1 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF AGRICULTURE, TRADE AND
2 CONSUMER PROTECTION JUSTICE.

3 ^{2660m}
SECTION ~~102~~. 704.90 (11) (a) of the statutes is amended to read:

4 ~~704.90 (11) (a) Except as provided in par. (c), the department of agriculture,~~
5 ~~trade and consumer protection justice~~ shall investigate alleged violations of this
6 section and rules promulgated under sub. (9). To facilitate its investigations, the
7 department may subpoena persons and records and may enforce compliance with the
8 subpoenas as provided in s. 885.12.

9 ^{2660P}
SECTION ~~103~~. 707.49 (4) of the statutes is amended to read:

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

19 ^{2660S}
SECTION ~~104~~. 707.57 (2) of the statutes is amended to read:

20 707.57 (2) DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
21 JUSTICE AUTHORITY. (a) The department of ~~agriculture, trade and consumer~~
22 ~~protection justice~~, or any district attorney upon informing the department of
23 ~~agriculture, trade and consumer protection justice~~, may commence an action in
24 circuit court in the name of the state to restrain by temporary or permanent
25 injunction any violation of this chapter. Before entry of final judgment, the court may

1 make such orders or judgments as may be necessary to restore to any person any
2 pecuniary loss suffered because of the acts or practices involved in the action if proof
3 of these acts or practices is submitted to the satisfaction of the court.

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

7 SECTION ^{2660 w}~~105~~. 707.57 (3) of the statutes is amended to read:

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

J# Page 993, line 3: after that line insert:

13 SECTION ^{2687 d}~~106~~. 779.41 (1m) of the statutes is amended to read:

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

18 SECTION ^{2687 e → g}~~107~~. 779.93 (title) of the statutes is amended to read:

19 779.93 (title) **Duties of the department of ~~agriculture, trade and~~**
20 **~~consumer protection justice.~~**

21 SECTION ^{2687 m}~~108~~. 779.93 (1) of the statutes is amended to read:

22 779.93 (1) The department of ~~agriculture, trade and consumer protection~~
23 ~~justice~~ shall investigate violations of this subchapter and attempts to circumvent
24 this subchapter. The department of ~~agriculture, trade and consumer protection~~

1 justice may subpoena persons and records to facilitate its investigations, and may
2 enforce compliance with such subpoenas as provided in s. 885.12.

3 SECTION 109. 779.93 (2) (intro.) of the statutes is amended to read:

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

7 SECTION 9104. Nonstatutory provisions; agriculture, trade and
8 consumer protection.

9 ✓ #. Page 1037, line 24: delete the material beginning with that line and ending with page 1038, line 14, and substitute
10 (a) TRANSFER OF CONSUMER PROTECTION FUNCTIONS. lxx

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

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

1 transferred under this paragraph, and the incumbent employees in those positions,
2 shall be transferred to the department of justice.

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

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

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

LPS: type ~~hard~~ "b" → (b)

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

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

①

~~1~~ NAME CHANGE. Wherever "agriculture, trade and consumer protection" appears in the following sections of the statutes, as affected by this act, "agriculture, trade, and rural resources" is substituted: 15.05 (1) (d), 15.07 (5) (d), 15.105 (12) (a) 1. and (16) (b) 1., 15.107 (16) (b) 2., 15.13, 15.135 (4) (am) and (b) 1., 15.137 (1) (a) (intro.) and (b) and (5) (intro.), (a), and (b) 1., 15.155 (4) (a) 1., 15.347 (13) (b) 3. and (18) (b) 3., 15.405 (5g), 15.445 (2) (e) and (4) (a) 6., 15.915 (1) (b) 1. and (2) (a), 16.023 (1) (g) (intro.), 16.045 (3), 16.967 (6), 20.115 (intro.), 20.866 (2) (we) and (wf), 20.923 (4) (f) 2., 23.235 (3m), 25.463, 26.30 (2) and (5), 26.36, 27.019 (3) and (12), 29.424 (2) (b), 29.705 (4) (b), 29.875 (2), 30.12 (4m) (a) and (b), 30.20 (1) (d), 30.46 (1) (a) and (2), 31.02 (7m), 32.035 (1) (a), 36.25 (7) and (11) (c), 36.58 (2) (a) 3. and (c), (3) (b), and (5), 41.41 (4) (c) and (5) (e), 42.10, 59.70 (17) (a), 61.72, 66.0217 (9) (b), 66.0307 (4) (a) 1., 66.0417 (1), 69.66, 84.01 (17), 86.19 (1m), 88.11 (1) (intro.), (1m), (3) (intro.), (4), (5) (intro.), (6), and (7), 88.13, 88.15, 88.19 (4) (a) (intro.) and (d), 88.21 (5), 88.24 (intro.), 88.32 (3m), 88.35 (7), 88.77 (2), 91.01 (3), 92.03 (3), 92.14 (6) (d) and (m) and (14m), 92.15 (3), chapter 93 (title), 93.01 (3) and (15), 93.09 (6), 93.135 (2), 93.20 (1), 93.75 (3m) (b), (c), and (d), 94.72 (1) (d), 94.73 (2m) (b), (c), and (e), (4) (b), and (9), 95.22 (1) 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 (2) (i), 101.586, 126.01 (8), 134.71 (12), 146.60 (1) (c), (2) (b), (3) (c) 1. and 2., and (5), 160.01 (7), 165.065 (2), 169.01 (7) and (35) (a), 169.03, 169.04 (2) (d) and (3) (a), 169.06 (1) (d) 1., 169.11 (1) (a) (intro.), 169.38 (title), 169.42 (1) (i), 173.01 (1), 174.001 (2), 174.11 (1) and (2), 182.01 (6), 196.857 (1g) (e), 227.14 (1s), 230.08 (2) (e) 2., 234.02 (1), 235.02 (2) (c), 235.04 (6), 254.02 (3) (a), 254.51 (2), 254.52 (2) (intro.), 254.58, 254.64 (1) (d), 254.69 (2) (am), 281.16 (3) (a) (intro.), (b), (c), and (e), 281.20 (1) (a) and (3) (c) and (d) 3., 281.65 (3) (f), (3m) (a) 1. and (b) 1., (4) (as), (dr), (e), (g) (intro.), 2., and 4., (i), (L), (o), (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.), (5m), (7) (a) 2., (11),

1 and (12), 281.67, 281.695 (5), 281.75 (1) (e) 1., 287.11 (2s) (a) and (b), 292.11 (2) (d)
2 and (9) (d) 1. d., 292.33 (6), 299.11 (2) and (5) (a), 348.01 (2) (am), 348.15 (5) (intro.),
3 348.17 (4) (a) and (b) (intro.), 348.27 (11m) (a), 440.92 (7), 560.03 (1) and (18), 560.07
4 (6), 560.17 (7) (am), 560.92 (1), 562.02 (2) (fm), 710.02 (4) (a) (intro.), 823.08 (3) (c)
5 1., 885.01 (4), 895.57 (3), 943.75 (3), and 943.76 (3) (c).

6 ^{BM → IXZ}
(*) MEMBERSHIP OF THE BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION.

7 Notwithstanding section 15.13 of the statutes, as affected by this act, any member
8 of the board of agriculture, trade and consumer protection who is serving on the
9 board of agriculture, trade and consumer protection as a consumer representative
10 on the day before the effective date of this subsection shall be entitled to continue to
11 serve as a member of the board under section 15.13 of the statutes, as affected by this
12 act, until his or her successor is appointed and qualified.

Insert
1033-20

Page 1116, line 3; delete lines 3 to 7.

13 SECTION 9304. Initial applicability; agriculture, trade and consumer
14 protection.

Page 1132, line 14: after that line insert:

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

20 SECTION 9404. Effective dates; agriculture, trade and consumer
21 protection.

Page 1143, line 4: after that line insert:

21 (3)
(*) TRANSFER OF CONSUMER PROTECTION FUNCTIONS. The repeal of section 20.115
22 (8) (jm) of the statutes; the renumbering and amendment of section 100.207 (1) of the
23 statutes; the amendment of sections 15.13, 15.137 (1) (a) (intro.), 20.115 (1) (hm),
24 20.455 (1) (title), 93.07 (1), 93.07 (24), 93.18 (3), 93.20 (1), 93.22 (1), 93.22 (2), 100.07
25 (6), 100.171 (7) (b), 100.171 (8) (intro.), 100.173 (4) (intro.), 100.173 (4) (a), 100.174

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

CS

by SECTION 1814m

230.08(2)(c) 2. ✓

CS

by SECTION 1815m ✓

and 9304 (1xx) ✓

21
insert
34-20 ✓

(END)

(1xx), (1xy), and (1xz)
and (1xza)

2003

Date (time) needed

Insert 3-5 ✓

LRB b 04311 /

BUDGET AMENDMENT

RPN : : :

[Not for compile]

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1
TO 2003 SENATE BILL 44

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

~~because schedule in 501071 is incorrect, I am deleting & substituting to make sure and is correct~~

Insert Inc-Dec

#. Page 97, line 6: delete "and rural resources" and substitute "and rural resources".

#. Page 98, line 6: delete that line.

#. Page 102, line 13: delete that line.

#. Page 213, line 13: delete "(c) AND REGULATORY SERVICES" and substitute "(c) AND REGULATORY SERVICES".

Insert 213-14 (inc-dec)

#. Page 214, line 3: delete lines 3 and 4 and substitute:
" (g) consumer protection, information and education PR A - 0 - 0 - "

Sched

#. Page 214, line 6: after that line insert:

" (j) Telephone solicitation regulation PRC 492,200 582,600
203,500 203,500 "

#. Page, line

End of insert 3-5

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0431/lins
RPN:.....

Delete space

1 insert inc-dec A:

2 ✓ 1. Page 97, line 11: decrease the dollar amount for fiscal year 2003-04 by \$1,
3 445,400 and decrease the dollar amount for fiscal year 2004-05 by \$1,445,400 to
4 reflect the transfer of certain consumer information programs, functions, and
5 enforcement activities to the department of justice and to decrease the authorized
6 FTE positions of the department of agriculture, trade and rural resources by 26.35
7 GPR positions related to the transferred programs, functions, and activities.

~~8 ✓ 2. Page 97, line 18: decrease the dollar amount for fiscal year 2003-04 by
9 \$15,800 and decrease the dollar amount for fiscal year 2004-05 by \$15,800 to reflect
10 the transfer of certain consumer information programs, functions, and enforcement
11 activities to the department of justice and to decrease the authorized FTE positions
12 of the department of agriculture, trade and rural resources by 0.15 PR positions
13 related to the transferred programs, functions and activities.~~

14 3. 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 positions
19 related to the transferred programs, functions, and activities. *0.20*

20 ✓ 4. 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

and adjust the NET APPROPRIATION totals accordingly

1
2
3
4
5
6
7
8
9
10

of the department of agriculture, trade and rural resources by ³⁰ PR positions
related to the transferred programs, functions, and activities.

0.30

insert 213-14 (inc-dec):

5. Page 213, line 14: increase the dollar amount for fiscal year 2003-04 by
\$1,563,800 and increase the dollar amount for fiscal year 2004-05 by \$1,463,800 to
reflect the transfer of certain consumer information programs, functions, and
enforcement activities to the department of justice and to increase the authorized
FTE positions of the department of justice by ²⁶ GPR positions related to transferred
programs, functions, and activities.

26.0

2003

Date (time) needed

Insert 20-6 V

LRB b 043111

BUDGET AMENDMENT

RPN: _____

[Not for compile]

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT TO SENATE SUBSTITUTE AMENDMENT 1 TO 2003 SENATE BILL 44

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

Insert 20-6:

✓ #. Page 752, line 13.: after "statutes" insert "as affected by 2003 Wisconsin Act (this act),"

✓ #. Page 752, line 15.: after "amounts" insert "imposed for a violation of ch. 98, a rule promulgated under ch. 98, or an ordinance enacted under ch 98"

#. Page, line

#. Page, line

NO SCORING

#. Page, line

#. Page, line

SENATE BILL 44

SECTION 1815

Insert 20-12 ✓

created

1 and shall credit them to the appropriation account under s. 20.115 (1) (jb), subject to
2 the limit under par. (c).

3 *(8152, as affected by 2003 Wisconsin Act... (this act) is amended to read*

4 SECTION 1816. 100.261 (3) (d) of the statutes *is created to read:*
5 100.261 (3) (d) The state treasurer *secretary of administration* shall deposit the consumer protection
6 assessment amounts imposed for a violation of this chapter or ch. 133, a rule
7 promulgated under this chapter or ch. 133, or an ordinance enacted under this
8 chapter in the general fund and shall credit them to the appropriation account under
9 s. 20.455 (1) (g), subject to the limit under par. (e).

9 SECTION 1817. 100.261 (3) (e) of the statutes is created to read:
10 100.261 (3) (e) The amount credited to the appropriation account under s.
11 20.455 (1) (g) may not exceed \$375,000 in each fiscal year.

12 SECTION 1818. 100.263 of the statutes is amended to read:
13 100.263 Recovery. In addition to other remedies available under this chapter,
14 the court may award the department ~~state~~ the reasonable and necessary costs of
15 investigation and an amount reasonably necessary to remedy the harmful effects of
16 the violation and ~~the court may award the department of justice~~ the reasonable and
17 necessary expenses of prosecution, including attorney fees, from any person who
18 violates this chapter. ~~The department and the department of justice~~ amounts
19 awarded under this subsection shall deposit be deposited in the state treasury for
20 deposit in the general fund ~~all moneys that the court awards to the department, the~~
21 ~~department of justice or the state under this section.~~ Ten percent of the money
22 deposited in the general fund that was awarded under this section for the costs of
23 investigation and the expenses of prosecution, including attorney fees, shall be
24 credited to the appropriation account under s. 20.455 (1) (gh).

25 SECTION 1819. 100.28 (4) (b) of the statutes is amended to read:

Insert 2A-6 ✓
2003 - 2004 LEGISLATURE

LRB-1636/1
RCT:wlj:jf

DOA:.....Walker - BB0391, Reduce DATCP unclassified division administrator positions
FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

AGRICULTURE

This bill decreases the number of unclassified division administrators authorized for DATCP from six to five.

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

✓ # Page 883, line 18: after that line insert:

2 " SECTION X. 230.08 (2) (e) 2. of the statutes is amended to read:

3 230.08 (2) (e) 2. Agriculture, trade and consumer protection — 6 5. "

4 (END)

Insert 34-20: ✓

#. Page 1152, line 22: delete

"(3) (a) and (b) (by ^(CS) SECTION 1815),"

and substitute "(3) (a), (b) (by ^(CS) SECTION 1815), and (d) (by SECTION ^(CS) 1815),"

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0431/linsB
RPN:.....

Ins. 1038-20

1
2
3
4
5
6
7
8
9

~~insert 1038-20.
Page 1038, line 20: after that line insert~~

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