

**2003 DRAFTING REQUEST**

**Assembly Amendment (AA-SB44)**

Received: **06/18/2003**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **James Kreuser (608) 266-5504**

By/Representing: **John Grabel**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters: **rkite**

Subject: **Public Assistance - med. assist.  
Justice - civil  
Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kreuser@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Increase personal needs allowance and transfer consumer protection functions to DOJ

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**Instructions:**

See Attached

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**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>
/?	pkahler 06/18/2003			_____			
/1	rkite 06/19/2003	kgilfoy 06/19/2003	rschluet 06/19/2003	_____	amentkow 06/19/2003	amentkow 06/19/2003	

FE Sent For:

**<END>**

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FE Sent For:

<END>

60689

DAK

When we are able to enter amendments for the Assembly, please enter the following amendments for Representative Kreuser, by John Grabel; click "other." We have permission to discuss all of the amendments with the Fiscal Bureau. John's number is 6-5124. *- If I put the wrong attorney's initials, please share the request with the correct attorney.*

**DATCP**

Return language for pet shelter, kennel and breeder regulation to 2001 AB 278 language (Page 47; Item #9; Pet Breeder, Kennel and Shelter Regulation of comparative summary)

RCT

**DHFS**

1. Require DHFS sever its relationship with Attic Correctional Services Inc. for locating and acquiring housing for Chapter 980 releases. Allow for a 30-day written notification.

2. Earmark \$50,000 annually from Grants for Services to Victims of Domestic Violence (Pg. 282 Item 3 comparative summary) for a services coordinator for ASHA Family Services. (Pg. 282 Item 3).

3. Increase the personal care allowance by \$5 per month, and fund it by transferring the DATCP Consumer Protection Services to DOJ. (LFB Paper 156 (Page 92-95, Comparative Summary of Budget Recommendations, June 2003). *asha*

MGD  
DAK  
PJK  
DAK  
PJE  
DAK  
ASNA

**DNR**

Brownfields-(Representative Balow's office worked with Kendra Bonderud from Fiscal Bureau on this.)

In general, this amendment would take us back to the Governor's proposal in regards to Brownfields with the exception of moving the program from DNR to Commerce.

Provisions of amendment:

-Increase the Vehicle Environmental Impact Fee from \$9 to \$10.50 and remove the sunset date. Subsequently, restore all cuts made by Joint Finance under this provision, including reductions in FTE positions beyond the 7.0 FTE in the Governor's recommendation (pg. 480).

-Provide \$6,000,000 in general bonding authority to conduct remedial action at contaminated sites, thus increasing DNR's general obligation bonding from \$41 million to \$47 million.

-Restore the DNR Air and Waste Division operations appropriation from the environmental management account to \$3,868,800 annually. (JFC cut it by \$1,120,000 SEG annually.) Restore any FTE reductions proposed by JFC. (Second paragraph on pg. 487).

RCT

**DOJ-**

1. Remove the lapse of \$2.775 million of program revenue to the general fund from the PR generated by the \$2 increase in the Crime Laboratory and Drug Law Enforcement Assessment. Send the PR to crime labs, not the general fund (JFC-Motion 580, page 416, item #7 of comparative summary).

2. Again dealing with the PR Increase with the Crime Laboratory and Drug Law Enforcement Assessment. The budget amendment should keep the lapse, but also raise the fee again to an amount (approximately \$8-\$9) that would generate the \$2.775 million was taken from the crime lab & DNA analysis account by Finance.

RJR

RJR

**DPI**

1. Give full effect to referenda held within last year to take effect in coming school year. (Page 511, No. 5 of comparative summary). In other words, the spending limit of a school which has passed a referendum in the past year which is only intended to take effect for the first time in the coming school year will be the referendum amount added to what spending limit would have been if LFB Paper 605 had not been enacted.

PG

2. Allows school board of nonresident school district to create waiting list for open enrollment. (2003 AB 7)

MTJ

**ETF**

Provide that the governor's prescription drug purchasing pool would be available to individuals who do not have employer-sponsored or privately acquired health insurance coverage that includes a pharmacy benefit. (Pg. 235, Item 11 of comparison summary, JFC Motion 700)

RJR



Legislature on other side

2003

Date (time) needed \_\_\_\_\_

LRB b 0689 / 1 / 1

BUDGET AMENDMENT

*D note*

RPN, RNK, PSK: *Kg* : \_\_\_\_\_

[Not for compile]

See form AMENDMENTS — COMPONENTS & ITEMS.

ASSEMBLY AMENDMENT  
TO 2003 SENATE BILL 44

At the locations indicated, amend the bill, as shown by senate substitute amendment 1, as follows:

#. Page . . . . , line . . . . :
#. Page . . . . , line . . . . :
#. Page . . . . , line . . . . :
#. Page . . . . , line . . . . :
#. Page . . . . , line . . . . :
#. Page . . . . , line . . . . :



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

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

Insert 3-4

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

Insert 4-18



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 ~~100~~ 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 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) (e) 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.”

Insert 36-24



AMENDMENTS

\$\$\$ INCREASE/DECREASE *Insert 3-4* \_\_\_\_\_:\_\_\_\_\_:

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

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

✓ #. Page 195, line 13: ~~in(de)~~ increase the dollar amount for fiscal year 2003-04 by \$ . . . . ., 561 . . . . ., 400 . . . . . and ~~in(de)~~ increase the dollar amount for fiscal year 2004-05 by \$ . . . . ., 542 . . . . ., 400 . . . . . ~~to . . . create funding for the [purpose]~~ [purposes] for which the appropriation is made ~~to~~ *to* increase funding for *the* . . . . . *personal needs allowance under section 49.45(7)* ✓ *(a) of the statutes, as affected by this act* . . . . . #0

#. Page . . . . ., line . . . . .: in(de)crease the dollar amount for fiscal year 2003-04 by \$ . . . . ., . . . . ., . . . . . and in(de)crease the dollar amount for fiscal year 2004-05 by \$ . . . . ., . . . . ., . . . . . [to . . . create funding for the [purpose] [purposes] for which the appropriation is made] [to . . . create funding for . . . . . ]\*.

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

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

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

#. Page . . . . ., line . . . . .: . . . . .  
Page . . . . ., line . . . . .: in(de)crease the dollar amount for fiscal year 2003-04 by \$ . . . . ., . . . . ., . . . . . and in(de)crease the dollar amount for fiscal year 2004-05 by \$ . . . . ., . . . . ., . . . . . [to . . . create funding for the [purpose] [purposes] for which the appropriation is made] [to . . . create funding for . . . . . ]\*.

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



Insert 4-18

102

DOA:.....Blaine - BB0386, Medical Assistance personal needs allowance  
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**  
**MEDICAL ASSISTANCE**

Under current law, a person who receives medical assistance and who is in a public medical institution, hospital, skilled nursing facility, or intermediate care facility generally may retain \$45 per month in unearned income for personal needs and must apply income in excess of that amount toward the cost of his or her care in the institution or facility. This bill changes the amount that may be retained for personal needs to \$30 per month.

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:*

2 " SECTION <sup>1370m</sup> 49.45 (7) (a) of the statutes is amended to read:

3 49.45 (7) (a) A recipient who is a patient in a public medical institution or an  
4 accommodated person and has a monthly income exceeding the payment rates

✓ #. Page 532, line 24: after that line insert:

*Inset 4-18 Contd 2002*

*\$50*

1 established under 42 USC 1382 (e) may retain \$45 ~~\$20~~ unearned income or the  
 2 amount of any pension paid under ~~38 USC 3203 (f)~~ 38 USC 5503 (d), whichever is  
 3 greater, per month for personal needs. Except as provided in s. 49.455 (4) (a), the  
 4 recipient shall apply income in excess of \$45 ~~\$20~~ *\$50* or the amount of any pension paid  
 5 under ~~38 USC 3203 (f)~~ 38 USC 5503 (d), whichever is greater, less any amount  
 6 deducted under rules promulgated by the department, toward the cost of care in the  
 7 facility. ”

*(end of ins 4-18)*

*Inset 36-24*

~~SECTION 9424 Effective dates; health and family services.~~

8  
 9 “ ~~(f)~~ *10xx* PERSONAL NEEDS ALLOWANCE. The treatment of section 49.45 (7) (a) of the  
 10 statutes takes effect on July 1, 2003, or on the first day of the first month beginning  
 11 after publication, whichever is later. ”

*(END of ins 36-24)*

*7 15*  
*#. Page 1148, line 4: after that line insert:*

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

LRBb0689/1dn  
PJK:kg:ch

June 19, 2003

This amendment increases the MA personal needs allowance by \$5 per month and transfers consumer protection functions from DATCP to DOJ.

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E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)