

2005 DRAFTING REQUEST

Bill

Received: **04/18/2006**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB: **LRB-3626/1**

For: **Terry Musser (608) 266-7461**

By/Representing:

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **christopher.sundberg@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Ban on sale of goods and services at excessive prices during times of emergency

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>
/?	csundber 04/18/2006	lkunkel 04/18/2006		_____			State
/1			pgreensl 04/19/2006	_____	sbasford 04/19/2006	bkraft 04/21/2006	

FE Sent For:

**At
intro**

<END>

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/?	csundber	1/mk 4/18	4/18 ps	4/18 ps			

FE Sent For:

<END>

Sundberg, Christopher

From: Rep.Musser
Sent: Tuesday, April 18, 2006 3:56 PM
To: Sundberg, Christopher
Subject: RE: Message for Christopher Sundberg

Like everything else these days, "as soon as possible"

From: Sundberg, Christopher
Sent: Tuesday, April 18, 2006 3:54 PM
To: Rep.Musser
Subject: RE: Message for Christopher Sundberg

Will do. Do you have a specific deadline?

From: Rep.Musser
Sent: Tuesday, April 18, 2006 3:45 PM
To: LRB.Legal
Subject: Message for Christopher Sundberg

Christopher,

Please draft an Assembly companion to SB 358 for me.

Thanks,

Terry Musser
WI State Representative
92nd Assembly District

266-7461

rep.musser@legis.state.wi.us

4931/1
LRB-3626/1
CTS:lmk/jf
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stays

ln: 4/18/06
Wanted Wed. Am

2005 SENATE BILL 358

D.N

October 4, 2005 - Introduced by Senators KEDZIE, SCHULTZ, OLSEN and BROWN, cosponsored by Representatives GRONEMUS, TOWNS, LOTHIAN, OTT, HINES, MUSSER, PETROWSKI, OWENS, HAHN, KERKMAN, GUNDERSON, M. WILLIAMS, BIES, NERISON and KREIBICH. Referred to Committee on Job Creation, Economic Development and Consumer Affairs.

ReGen ✓

- 1 AN ACT to create 100.305 of the statutes; relating to: sales of consumer goods
- 2 and services during periods of abnormal economic disruption, requiring the
- 3 exercise of rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits the sale in this state of consumer goods and services at unreasonably excessive prices during a period of abnormal economic disruption caused by an emergency. Under the bill, an emergency includes a destructive act of nature, a hostile action, terrorism, or a disruption of energy supplies that poses a risk to the public's economic well-being, public health, or welfare. The prohibition is only in effect if the governor, by executive order, certifies that a period of abnormal economic disruption exists. The bill defines consumer goods and services to be those that are used primarily for personal, family, or household purposes. The prohibition applies to all wholesale and retail sales of consumer goods and services. Under the bill, the Department of Agriculture, Trade and Consumer Protection (DATCP) must promulgate rules to establish formulas or other standards to be used in identifying unreasonably excessive wholesale and retail prices.

For an initial violation of this prohibition, the bill requires that DATCP issue a warning notice instead of filing an action against the seller. If the seller fails to comply with the warning notice or subsequently violates the prohibition after receiving the notice, DATCP, or the Department of Justice (DOJ) after consulting with DATCP, may file a court action to enjoin the seller from violating the prohibition or to recover a forfeiture of not more than \$10,000, or DATCP or DOJ may seek both an injunction and a forfeiture.

SENATE BILL 358

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:

1 **SECTION 1.** 100.305 of the statutes is created to read:

2 **100.305 Prohibited selling practices during periods of abnormal**
3 **economic disruption. (1) DEFINITIONS.** In this section:

4 (a) “Consumer goods or services” means goods or services that are used
5 primarily for personal, family, or household purposes.

6 (b) “Emergency” includes any of the following:

7 1. A tornado, flood, fire, storm, or other destructive act of nature.

8 2. A disruption of energy supplies to the degree that a serious risk is posed to
9 the economic well-being, health, or welfare of the public.

10 3. Hostile action.

11 4. A strike or civil disorder.

12 (c) “Hostile action” means an act of violence against a person or property in the
13 United States by a foreign power or by a terrorist.

14 (d) “Period of abnormal economic disruption” means a period of time during
15 which normal business transactions in the state are disrupted, or are threatened to
16 be disrupted, due to an emergency.

17 (e) “Seller” means a manufacturer, supplier, wholesaler, distributor, or retailer.

18 **(2) PROHIBITION.** No seller may sell, or offer to sell, in this state at wholesale
19 or at retail, consumer goods or services at unreasonably excessive prices if the
20 governor, by executive order, has certified that the state is in a period of abnormal
21 economic disruption.

SENATE BILL 358

1 (3) RULES. The department shall promulgate rules to establish formulas or
2 other standards to be used in determining whether a wholesale or retail price is
3 unreasonably excessive.

4 (4) WARNING NOTICE. If a person violates sub. (2), the department shall issue
5 a warning notice to the seller. The warning notice shall specify the action that the
6 seller is required to take in order to not be in violation of sub. (2).

7 (5) PENALTIES. If a warning notice under sub. (4) has been issued to a seller, and
8 the seller either fails to take the required action that is specified in the notice or
9 subsequently violates sub. (2), the department, or the department of justice after
10 consulting with the department, may commence an action in the name of the state
11 to do either or both of the following:

12 (a) Recover a civil forfeiture of not more than \$10,000 from the seller.

13 (b) Temporarily or permanently restrain or enjoin the seller from violating sub.

14 (2).

15 (END)



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

LRB-4931/1dn

CTS:.....

Imk

✓
Rep. Musser:

✓
This draft is identical to LRB-3626/1.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

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

LRB-4931/1dn
CTS:lmk:pg

April 18, 2006

Rep. Musser:

This draft is identical to LRB-3626/1.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

Barman, Mike

From: Colbert, Kathie
Sent: Friday, April 21, 2006 1:04 PM
To: LRB.Legal
Subject: Draft Review: LRB 05-4931/1 Topic: Ban on sale of goods and services at excessive prices during times of emergency

Please Jacket LRB 05-4931/1 for the ASSEMBLY.