# State of Wisconsin
**2005 – 2006 LEGISLATURE**

LRB–1243/P1
CTS:...:RNK:jld:ch

DOA:.....Walker, BB0311 – Transfer consumer protection duties to Department of Justice

FOR 2005–07 BUDGET –– NOT READY FOR INTRODUCTION

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

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***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 surcharge. The surcharges, 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 surcharges, 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 surcharge 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 and changes the name of the Board of Agriculture, Trade and Consumer Protection to the Board of Agriculture, Trade, and Rural Resources.

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

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

**SECTION 1.** 15.13 of the statutes is amended to read:

**15.13 Department of agriculture, trade, and ~~consumer protection~~ rural resources; creation.** There is created a department of agriculture, trade, and ~~consumer protection~~ rural resources under the direction and supervision of the board of agriculture, trade, and ~~consumer protection~~ rural resources. The board shall consist of ~~7~~ 9 members with an agricultural background ~~and 2 members who are consumer representatives~~, appointed for staggered 6–year terms. Appointments

to the board shall be made without regard to party affiliation, residence or interest in any special organized group.

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

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

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

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

**SECTION 4.** 20.115 (8) (jm) of the statutes is repealed.

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

**SECTION 5.** 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.

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

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

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

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

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

duties

powers

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

**SECTION 8.** 93.07 (1) of the statutes is amended to read:

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

**SECTION 9.** 93.07 (23) of the statutes is created to read:

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

**SECTION 10.** 93.07 (24) of the statutes is amended to read:

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

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

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

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

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

**SECTION 11.** 93.18 (3) of the statutes is amended to read:

93.18 **(3)** The department of justice, after acting pursuant to s. 100.37 or 100.41 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric, product or related material ceased, shall give written notice of its finding to the manufacturer, seller or other person responsible for placing the item in the channels of trade in this state. After such notice no person may sell, remove or otherwise dispose of such item except as directed by the department of justice. Any person affected by such notice may demand a prompt hearing to determine the validity of the ~~department's~~ findings of the department of justice. The hearing, if requested, shall be held as expeditiously as possible but not later than 30 days after notice. A

request for hearing does not operate to stay enforcement of the order during the pendency of the hearing. The person petitioning for a hearing shall be entitled to the same rights specified under sub. (2).

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

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

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

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

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

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

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

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

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

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

**SECTION 17.** 100.171 (7) (b) of the statutes is amended to read:

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

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

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

**SECTION 19.** 100.173 (4) (intro.) of the statutes is amended to read:

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

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

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

**SECTION 21.** 100.174 (5) (intro.) of the statutes is amended to read:

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

**SECTION 22.** 100.174 (6) of the statutes is amended to read:

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

**SECTION 23.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

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

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

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

**SECTION 25.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

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

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

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

**SECTION 27.** 100.177 (1) (bm) of the statutes is created to read:

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

**SECTION 28.** 100.178 (1) (b) of the statutes is amended to read:

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

**SECTION 29.** 100.18 (11) (a) of the statutes is amended to read:

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

**SECTION 30.** 100.18 (11) (b) 3. of the statutes is amended to read:

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

**SECTION 31.** 100.18 (11) (c) 1. of the statutes is amended to read:

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

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

**SECTION 32.** 100.18 (11) (c) 2. of the statutes is amended to read:

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

**SECTION 33.** 100.18 (11) (c) 3. of the statutes is amended to read:

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

**SECTION 34.** 100.18 (11) (c) 4. of the statutes is amended to read:

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

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

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

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

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

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

**SECTION 37.** 100.182 (5) (a) of the statutes is amended to read:

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

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

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

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

**SECTION 39.** 100.20 (2) (a) of the statutes is amended to read:

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

**SECTION 40.** 100.20 (2) (b) of the statutes is amended to read:

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

**SECTION 41.** 100.20 (3) of the statutes is amended to read:

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

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

**SECTION 42.** 100.20 (4) of the statutes is amended to read:

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

**SECTION 43.** 100.20 (6) of the statutes is amended to read:

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

**SECTION 44.** 100.201 (6) (d) of the statutes is amended to read:

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

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

**SECTION 45.** 100.201 (8m) (intro.) of the statutes is amended to read:

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

**SECTION 46.** 100.201 (9) (b) of the ~~statutes~~ is amended to read:

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

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

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

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

**SECTION 48.** 100.205 (7) of the statutes is amended to read:

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

**SECTION 49.** 100.205 (8) of the statutes is amended to read:

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

**SECTION 50.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.) and amended to read:

100.207 **(1)** ~~DEFINITION~~ DEFINITIONS. (intro.) In this section~~,~~ ~~"telecommunications:~~

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

**SECTION 51.** 100.207 (1) (a) of the statutes is created to read:

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

**SECTION 52.** 100.207 (6) (b) 1. of the statutes is amended to read:

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

**SECTION 53.** 100.207 (6) (b) 2. of the statutes is amended to read:

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

**SECTION 54.** 100.207 (6) (c) of the statutes is amended to read:

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

**SECTION 55.** 100.207 (6) (em) 1. of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

100.261 **(1)** If a court imposes a fine or forfeiture for a violation of this chapter, ~~ch.~~ chs. 98 or 133, a rule promulgated under this chapter or ~~ch.~~ chs. 98 or 133, or an ordinance enacted under this chapter or ~~ch.~~ chs. 98 or 133, the court shall also impose a consumer protection surcharge under ch. 814 in an amount equal to 25% of the fine or forfeiture imposed. If multiple violations are involved, the court shall base the consumer protection surcharge upon the total of the fine or forfeiture amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the surcharge in proportion to the suspension.

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

100.261 **(3)** (b) The secretary of administration shall deposit the consumer protection surcharges imposed under ch. 814 for a violation of ch. 98, a rule promulgated under ch. 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par. (c).

**SECTION 70.** 100.261 (3) (d) of the statutes is created to read:

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

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

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

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

**100.263 Recovery.** In addition to other remedies available under this chapter, the court may award the ~~department~~ state the reasonable and necessary costs of investigation ~~and~~, an amount reasonably necessary to remedy the harmful effects of the violation, and ~~the court may award the department of justice~~ the reasonable and necessary expenses of prosecution, including attorney fees, from any person who violates this chapter. The ~~department and the department of justice~~ amounts awarded under this section shall ~~deposit~~ be deposited in the state treasury for 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

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

**SECTION 73.** 100.28 (4) (b) of the statutes is amended to read:

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

**SECTION 74.** 100.28 (4) (c) of the statutes is amended to read:

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

**SECTION 75.** 100.31 (4) of the statutes is amended to read:

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

**SECTION 76.** 100.31 (5) of the statutes is amended to read:

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

**SECTION 77.** 100.37 (1) (am) of the statutes is created to read:

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

**SECTION 78.** 100.38 (5) of the statutes is amended to read:

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

**SECTION 79.** 100.38 (6) of the statutes is amended to read:

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

**SECTION 80.** 100.41 (1) (bn) of the statutes is created to read:

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

**SECTION 81.** 100.42 (1) (cm) of the statutes is created to read:

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

**SECTION 82.** 100.43 (1) (am) of the statutes is created to read:

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

**SECTION 83.** 100.44 (5) of the statutes is amended to read:

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

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

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

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

**SECTION 85.** 100.46 (2) of the statutes is amended to read:

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

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

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

**SECTION 87.** 100.50 (6) (c) of the statutes is amended to read:

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

**SECTION 88.** 100.52 (1) (bn) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

shall

**~~SECTION~~ 94.** 165.065 (2) of the statutes is amended to read:

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

**SECTION 95.** 165.25 (4) (ar) of the statutes is amended to read:

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

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

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

**SECTION 97.** 344.576 (3) (a) 5. of the statutes is amended to read:

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

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

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

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

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

**SECTION 100.** 704.90 (9) of the statutes is amended to read:

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

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

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

**SECTION 102.** 704.90 (11) (a) of the statutes is amended to read:

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

**SECTION 103.** 707.49 (4) of the statutes is amended to read:

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

**SECTION 104.** 707.57 (2) of the statutes is amended to read:

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

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

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

**SECTION 105.** 707.57 (3) of the statutes is amended to read:

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

**SECTION 106.** 779.41 (1m) of the statutes is amended to read:

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

**SECTION 107.** 779.93 (title) of the statutes is amended to read:

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

**SECTION 108.** 779.93 (1) of the statutes is amended to read:

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

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

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

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

**SECTION 9103. Nonstatutory provisions; agriculture, trade and consumer protection.**

(1) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

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

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

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

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

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

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

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

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

(2) 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., 15.135 (1) (a) (intro.) and (b) and (4) (am) and (b) 1., 15.137 (b) and (5) (intro.), (a), and (b) 1., 15.155 (4) (a) 1. and (5), 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 (1m) (a) and (b), 30.20 (1g) (c), 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 (1), (2), and (3), 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) (a) and (b), chapter 93 (title), 93.01 (3) and (15), 93.09 (6), 93.135 (2), 93.75 (3m) (b), (c), and (d), 93.90 (5) (c), 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 (1) and (2), 101.175 (3) (intro.), 101.58 (2) (i), 101.586, 126.01 (8), 126.72 (2), 146.60 (1) (c), (2) (b), (3) (c) 1. and 2., and (5), 160.01 (7), 169.01 (7) and (35) (a), 169.03, 169.04 (2) (d) and (3) (a), 169.04 (5m) (a) 3., 6., and 7., 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) (a), 182.01 (6), 196.857 (1g) (e), 227.137 (1), 227.14 (1s), 230.08 (2) (e) 2., 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) (intro.), 1., and 2. 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), and (12), 281.67, 281.695 (5), 281.75 (1) (e) 1., 287.11 (2s) (a) and (b), 292.11 (2) (d) and (9) (d) 1. d., 292.33 (6), 299.11 (2) (title), (a), and (b), and (5) (a), 348.01 (2) (am), 348.15 (5) (intro.), 348.17 (4) (a) and (b) (intro.), 348.27 (11m) (a), 440.92 (7), 560.03 (1) and (18), 560.07 (6), 560.17 (7) (am), 560.92 (1), 562.02 (2) (fm), 704.90 (11) (a), 710.02 (4) (a) (intro.), 823.08 (3) (c) 1., 885.01 (4), 895.57 (3), 943.75 (3), and 943.76 (3) (c).

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

**SECTION 9303. Initial applicability; agriculture, trade and consumer protection.**

(1) CONSUMER PROTECTION ASSESSMENTS. The treatment of section 100.261 (3) (d) of the statutes first applies to violations of chapter 133 of the statutes, or rules promulgated under chapter 133 of the statutes, that are committed on the effective date of this subsection.

**SECTION 9403. Effective dates; agriculture, trade and consumer protection.**

(1) TRANSFER OF CONSUMER PROTECTION FUNCTIONS. The repeal of section 20.115 (8) (jm) of the statutes; the renumbering and amendment of section 100.207 (1) of the statutes; the amendment of sections 15.13, 15.137 (1) (a) (intro.), 20.115 (1) (hm),

20.455 (1) (title), 93.07 (1), 93.07 (24), 93.18 (3), 93.20 (1), 93.22 (1), 93.22 (2), 100.07 (6), 100.171 (7) (b), 100.171 (8) (intro.), 100.173 (4) (intro.), 100.173 (4) (a), 100.174 (5) (intro.), 100.174 (6), 100.175 (5) (a) (intro.), 100.175 (5) (b), 100.175 (7) (a) (intro.), 100.175 (7) (b), 100.178 (1) (b), 100.18 (11) (a), 100.18 (11) (b) 3., 100.18 (11) (c) 1., 100.18 (11) (c) 2., 100.18 (11) (c) 3., 100.18 (11) (c) 4., 100.18 (11) (d), 100.18 (11) (e), 100.182 (5) (a), 100.182 (5) (b), 100.20 (2) (a), 100.20 (2) (b), 100.20 (3), 100.20 (4), 100.20 (6), 100.201 (6) (d), 100.201 (8m) (intro.), 100.201 (9) (b), 100.201 (9) (c), 100.205 (7), 100.205 (8), 100.207 (6) (b) 1., 100.207 (6) (b) 2., 100.207 (6) (c), 100.207 (6) (em) 1., 100.207 (6) (em) 2., 100.208 (2) (intro.), 100.208 (2) (b), 100.209 (3), 100.209 (4) (b), 100.2095 (6) (b), 100.2095 (6) (c), 100.21 (2) (a), 100.21 (4) (a) (intro.), 100.22 (4) (b), 100.235 (11) (a), 100.26 (6), 100.261 (1), 100.261 (3) (b), 100.263, 100.28 (4) (b), 100.28 (4) (c), 100.31 (4), 100.31 (5), 100.38 (5), 100.38 (6), 100.44 (5), 100.46 (1), 100.46 (2), 100.50 (6) (b), 100.50 (6) (c), 101.175 (3) (intro.), 134.71 (12), 136.03 (title), 136.03 (1) (intro.), 136.04, 165.065 (2), 165.25 (4) (ar), 344.576 (3) (a) 5., 344.576 (3) (c), 344.579 (2) (intro.), 704.90 (9), 704.90 (11) (title), 704.90 (11) (a), 707.49 (4), 707.57 (2), 707.57 (3), 779.41 (1m), 779.93 (title), 779.93 (1), and 779.93 (2) (intro.) of the statutes; the creation of sections 20.455 (1) (g), 20.455 (1) (j), 93.07 (23), 93.18 (7), 100.177 (1) (bm), 100.207 (1) (a), 100.261 (3) (d), 100.261 (3) (e), 100.37 (1) (am), 100.41 (1) (bn), 100.42 (1) (cm), 100.43 (1) (am), 100.52 (1) (bn), and 165.252 of the statutes; and SECTION 9103 (1), (2), and (3) of this act take effect on October 1, 2005, or on the first day of the 3rd month beginning after publication, whichever is later.

**(END)**

D-Note

P2 dn

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

LRB–1243/~~P1 dn~~
CTS ~~[illegible]~~
Kjf

Date

Bill Walker:

This is a redraft of LRB 03–1111/6. I have made minor changes to conform to our drafting conventions, but the substance of the draft is unchanged. Please let me know if you have any questions or if you would like to make any changes.

Christopher T. Sundberg
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# DRAFTER'S NOTE
## FROM THE
## LEGISLATIVE REFERENCE BUREAU

LRB–1243/P2dn
CTS:kjf:rs

January 7, 2005

Bill Walker:

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