

2015 DRAFTING REQUEST

Bill

Received: 7/13/2015 Received By: mpfotenh
For: Agricult. Trade and Cons. Prot. Same as LRB: -2727
May Contact: By/Representing: Lauren Van Buren
Subject: Agriculture - other Drafter: mpfotenh
Trade Regulation - other
Addl. Drafters:
Extra Copies:

Submit via email: YES
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Pre Topic:

No specific pre topic given

Topic:

Changes to enforcement cost reimbursement for certain DATCP actions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 7/20/2015		_____			
/P1	mpfotenh 9/24/2015	anienaja 9/24/2015	_____	srose 7/23/2015		State
/1			_____	sbasford	mbarman	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			<hr/>	9/24/2015	9/28/2015	

FE Sent For:

at intro
1/20/16

<END>

Wisconsin Department of Agriculture, Trade and Consumer Protection

PROPOSAL FOR LEGISLATIVE ACTION

Date: July 13, 2015

Working Title of Act: *DATCP Rulemaking Authority – Changes to Investigative Cost Reimbursement.*

Statute affected by action: Ch. 93 Stats.

Description of action:

This action amends s. 93.20(1), Stats., adding timeshares, future service plans, rental cars, regulation of foreclosure consultants, and self-service storage facilities to the list of laws for which the department may seek reimbursement of investigation costs.

Plain-language description of what the action will accomplish:

This change adds timeshares, future service plans, rental cars, self-storage facilities, and regulation of foreclosure consultants to the laws that the department can seek reimbursement of investigation costs. This change is narrowly tailored because the department will only be able to seek investigation costs for matters that it is authorized to investigate.

Relationship of this action to any relevant federal laws or regulations:

There is no relationship to relevant federal laws or regulations.

Fiscal effect on WDATCP:

This change will have a positive fiscal effect on the department, expanding the department's ability to seek reimbursement of investigation costs.

Statutory changes:

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

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 to enforce chs. 88, 91 to 100, ~~or~~ 126, 136, 344, 704, 707, or 846.



In 7/20
State of Wisconsin
2015 - 2016 LEGISLATURE

Due 7/27

LRB-2726/P1
MCP:...

amr
Jed

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Agency draft

Gen.

1 AN ACT ...; relating to: reimbursement of costs for certain enforcement actions
2 by the department of agriculture, trade and consumer protection.

Analysis by the Legislative Reference Bureau

step

This bill expands the type of enforcement actions in which a court may order a defendant to reimburse the department of agriculture, trade and consumer protection (DATCP) for its costs incurred in preparing and prosecuting the action, to include actions relating to future service plans, rental vehicles, self-service storage facilities, time shares, and foreclosure consultants. Current law allows a court to make such an order only in actions relating to drainage of lands, farmland preservation, certain marketing and trade practices, and agricultural producer regulations.

*
*

↳ certain other DATCP enforcement

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:

↑ as affected by 2015 Wisconsin Act 55

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

4 93.20 (1) DEFINITION. In this section, "action" means an action that is
5 commenced in court by, or on behalf of, the department of agriculture, trade and

SECTION 1

1 consumer protection to enforce ~~chs. ch.~~ ch. 88, 91 to 100, or 126, 136, 344, 704, 707, or
2 846.

plain Δ
89; plain

History: 1991 a. 39; 1993 a. 213; 1995 a. 216; 2001 a. 16; 2009 a. 28.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to actions commenced on the effective date of this
5 subsection (... [LRB inserts date]).

6

(END)



In 9/24
State of Wisconsin
2015 - 2016 LEGISLATURE

Due today

LRB-2726/PI → /1
MCP:amn&jld

no changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV

Updated request sheet.

Agency
draft

1 **AN ACT to amend** 93.20 (1) of the statutes; **relating to:** reimbursement of costs
2 for certain enforcement actions by the Department of Agriculture, Trade and
3 Consumer Protection.

Analysis by the Legislative Reference Bureau

This bill expands the type of enforcement actions in which a court may order a defendant to reimburse the Department of Agriculture, Trade and Consumer Protection (DATCP) for its costs incurred in preparing and prosecuting the action, to include actions relating to future service plans, rental vehicles, self-service storage facilities, time shares, and foreclosure consultants. Current law allows a court to make such an order only in certain other DATCP enforcement actions.

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:

4 **SECTION 1.** 93.20 (1) of the statutes, as affected by 2015 Wisconsin Act 55, is
5 amended to read:

6 93.20 (1) **DEFINITION.** In this section, "action" means an action that is
7 commenced in court by, or on behalf of, the department of agriculture, trade and

SECTION 1

1 consumer protection to enforce ~~chs. ch.~~ ch. 88, 89, 91 to 100, or 126, 136, 344, 704, 707,
2 or 846.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to actions commenced on the effective date of this
5 subsection.

6 (END)

Barman, Mike

From: Pfothenauer, Mary
Sent: Monday, September 28, 2015 9:54 AM
To: LRB.Legal
Subject: RE: Draft review: LRB -2726/1

Per Lauren at DATCP, please jacket this for the Assembly.
Thanks,

Mary Pfothenauer
Attorney
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From: LRB.Legal
Sent: Thursday, September 24, 2015 3:29 PM
To: Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>
Subject: Draft review: LRB -2726/1

Draft Requester: Agricult. Trade and Cons. Prot.

Following is the PDF version of draft LRB -2726/1.