

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

LRB-1444/P1dn  
EVM:wlj:md

April 7, 2011

ATTN: Jeff Weigand

Please review the attached draft carefully to ensure that it is consistent with your intent. The draft contains substantial alterations from the provided text that are, for the most part, intended to clarify and reorganize. The draft includes a number of NOTES highlighting some of my changes and suggesting areas where additional clarification may be necessary.

Please note, this draft does not include the changes to s. 218.0116 (10) contained in the provided text. I do not believe the section is dysfunctional as currently written. It, in my opinion, provides the division of banking with the power to issue orders outside the contested case process regarding practices that it believes are violations of the WMVDL. The requested changes would transfer this power to the division of hearing and appeals (DHA). However, I do not think this power can effectively be wielded by DHA, as that agency largely acts as referee in contested cases and may not have the appropriate expertise to make determinations regarding the WMVDL outside the contested case context. Please note, DHA is already implicitly granted the authority to issue special orders, but only in the context of a contested case. Please let me know if you disagree with my analysis or if you wish to make different changes to s. 218.0116 (10).

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

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