

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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March 17, 2000

Representative Jeskewitz:

1. Proposed s. 218.63 (5) is an archaic provision and is probably unnecessary. Please review the provision. Do you really intend to require every violation to be reported to the department of justice or district attorney for prosecution? You may want to allow the division of banking to exercise some discretion and refrain from referring minimal violations for prosecution.

2. Proposed s. 218.63 (1) authorizes the division of banking to issue any general or special order "in execution of or supplementary to this subchapter". This is an unusually broad delegation of authority. You may want to prohibit the division from issuing an order that contradicts the subchapter. Also, you may want to provide a standard for the division to exercise this authority. See, for example, s. 218.04 (7) (a) (division may issue order to protect public from oppressive or deceptive practices of licensees and to prevent evasions of the chapter).

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