

1999 DRAFTING REQUEST

Bill

Received: **10/14/98**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-1038**

By/Representing: **Caucutt**

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

Drafter: **kunkemd**

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Subject: **Occupational Reg. - misc**

Extra Copies:

Topic:

DOA:.....Caucutt - License cancellation for nonpayment of debit or credit card

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>
/1	kunkemd 11/4/98	gilfokm 11/5/98	jfrantze 11/6/98	_____	lrb_docadmin 11/6/98		

FE Sent For:

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1999 DRAFTING REQUEST

Bill

Received: 10/14/98

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-1038

By/Representing: Riedasch

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Occupational Reg. - misc

Extra Copies:

Topic:

DOA:.....Riedasch - License cancellation for nonpayment of debit or credit card.

Instructions:

See Attached

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FE Sent For:

<END>



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864



Date: 14 October, 1998

To: Steve Miller
Chief, Legislative Reference Bureau

From: Gail Riedasch *Gail*
Policy and Budget Analyst, 6-1038

Subject: Department of Regulation and Licensing statutory language proposals

Please draft the following thirteen statutory language proposals from the Department of Regulation and Licensing included in its FY99-01 biennial budget request.

They include:

- Renewal Fee Changes Required by Statute
- Disciplinary Process Enhancements
- Uniform Procedures for Administration of Continuing Education Programs
- Review Fund Raising Counsel Registration and Bonding Requirements
- Streamline Funeral Director Renewal and Eliminate Good Standing Certificate
- Authorize Counter Fee and Expedited Service Charge
- License Calculation for Nonpayment of Debit or Credit Card
- Repeal of Outdated Statute Permitting Payment by Credit Card
- Revise Temporary Permits for Private Security Persons
- Revise Renewal Requirements for Private Detectives and Private Security Personnel
- Register Cemeteries by Location
- Correct Renewal Dates - Hearing and Speech
- Revise Renewal Dates - Private Security Personnel and Private Detective Agencies

Please call with any questions. Thanks.

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G. LICENSE CANCELLATION FOR NONPAYMENT OF DEBIT OR CREDIT CARD

Summary and Justification

A current statute requires the department to cancel a license that is issued on the basis of payment by a check that is not paid by the bank upon which it is drawn. This statute does not cover credit card payments and should be amended to anticipate this need.

Proposed Statutory Language

440.23 (1) of the statutes is amended to read:

f.in. inst.

(1) If the holder of a credential pays a fee required under s. 440.05 (1) or (6), 440.08, 444.03, 444.05, 444.11 or 459.46 (2) (b) by check, debit card or credit card and the check is not paid by the bank upon which the check is drawn, or if a demand for payment under a debit or credit card transaction is not paid by the bank upon which demand is made, the department may cancel the credential on or after the 60th day after the department receives the notice from the bank, subject to sub. (2).

Initial applicability of this proposal: effective date of budget act.

H. REPEAL OF OUTDATED STATUTE PERMITTING PAYMENT BY CREDIT CARD

Summary and Justification

A statute relating specifically to the department, sec. 440.23, permits the department to accept payment by credit card, but does not recognize the use of a debit card. However, payment by credit and debit cards is authorized under a general statute governing payments to the state, sec. 20.905, Stats.

The specific statute authorizing the department to accept credit payments should be amended to remove any ambiguity created by the two existing overlapping statutes and to make it clear that the department may utilize the broader authority granted in the general payments statute.

Proposed Statutory Language

440.055 (1) of the statutes is repealed

440.055 (2) of the statutes is amended to read:

440.055 (2) If the department permits the payment of a fee with use of a credit card ~~under sub. (1)~~, the department shall charge a credit card service charge for each transaction. The credit card service charge shall be in addition to the fee that is being paid with the credit card and shall be sufficient to pay the costs to the department for providing this service to persons who request it, including the cost of any services for which the department contracts under sub. (3).



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0641/1

MDK:.....

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NOTE

DOA:.....Riedasch – License cancellation for nonpayment of debit or credit card

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

head Occupational regulation

Don't Gen Cat.

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

Analysis by the Legislative Reference Bureau

Under current law, the department of regulation and licensing (DORL) may, under certain circumstances, cancel a credential if the credential holder pays an initial or renewal credential fee with a check that is not paid by the bank upon which the check is drawn. This bill allows DORL to cancel a credential under the same circumstances if the credential holder pays an initial or renewal credential fee with either: 1) a check that is not paid by the financial institution upon which the check is drawn; or 2) a credit or debit card and the demand for payment under the debit or credit card transaction is not paid by the financial institution upon which demand is made.

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

2 SECTION 1. 440.23 (1) of the statutes is amended to read:

3 440.23 (1) If the holder of a credential pays a fee required under ^{STEF} 440.05 (1)

4 or (6), 440.08, 444.03, 444.05, 444.11 or 459.46 (2) (b) by check or debit or credit card

1 and the check is not paid by the ~~bank~~ financial institution upon which the check is
2 drawn or if the demand for payment under the debit or credit card transaction is not
3 paid by the financial institution upon which demand is made, the department may
4 cancel the credential on or after the 60th day after the department receives the notice
5 from the ~~bank~~ financial institution, subject to sub. (2).

History: 1989 a. 31; 1991 a. 39, 189, 269, 278, 315; 1993 a. 16; 1995 a. 27.

6 **SECTION 2.** 440.23 (2) (intro.) of the statutes is amended to read:

7 440.23 (2) (intro.) At least 20 days before canceling a credential, the
8 department shall mail a notice to the holder of the credential that informs the holder
9 that the check or demand for payment under the debit or credit card transaction was
10 not paid by the ~~bank~~ financial institution and that the holder's credential may be
11 canceled on the date determined under sub. (1) unless the holder does all of the
12 following before that date:

History: 1989 a. 31; 1991 a. 39, 189, 269, 278, 315; 1993 a. 16; 1995 a. 27.

13 **SECTION 3.** 440.23 (2) (a) of the statutes is amended to read:

14 440.23 (2) (a) Pays the fee for which the unpaid check or demand for payment
15 under the credit or debit card transaction was issued.

History: 1989 a. 31; 1991 a. 39, 189, 269, 278, 315; 1993 a. 16; 1995 a. 27.

16 **SECTION 4.** 440.41 (5m) of the statutes is renumbered 440.01 (1) (am).

17 **SECTION 5.** 440.92 (3) (c) 3. of the statutes is amended to read:

18 440.92 (3) (c) 3. The preneed seller files with the department a bond furnished
19 by a surety company authorized to do business in this state or an irrevocable letter
20 of credit from a financial institution, ~~as defined in s. 157.19 (1)~~, and the amount of
21 the bond or letter of credit is sufficient to secure the cost to the cemetery authority
22 of constructing the mausoleum.

History: 1989 a. 307; 1991 a. 16, 32, 39, 269; 1993 a. 16; 1995 a. 27 ss. 6605, 9116 (5); 1995 a. 295; 1997 a. 79, 191.

23 (END)

0-NOTE

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

LRB-0641/1dn

MDK:.....

Kunkel

Date

Gail Riedasch:

Please review this bill very carefully to make sure that it achieves your intent. Note that the bill makes changes that are in addition to the changes suggested in the instructions in order to consistently refer to "financial institutions", rather than to banks. Also, the bill does not amend s. 440.23 (2) (c), stats., which requires a person to pay an overdraft charge established by the depository selection board, because I was not sure how to treat this provision in the context of credit or debit card transactions. Is this provision okay, or should it be treated in some manner?

Mark D. Kunkel
Legislative Attorney
266-0131

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

LRB-0641/1dn
MDK:kmg&ijs:jf

November 6, 1998

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0641/1
MDK:kmg&ijs:jf

DOA:.....Riedasch – License cancellation for nonpayment of debit or credit card

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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