

1999 DRAFTING REQUEST

Bill

Received: 10/14/98

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Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-1038

By/Representing: Caucutt

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Subject: Occupational Reg. - misc

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Topic:

DOA:.....Caucutt - Eliminating outdated credit card payment references

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 10/30/98	gilfokm 11/6/98	martykr 11/6/98	_____	lrb_docadmin 11/6/98		

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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

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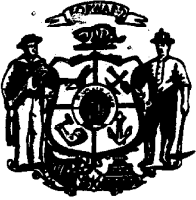
See Attached

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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
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- Repeal of Outdated Statute Permitting Payment by Credit Card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.

CONTENTS

ITEM	PAGE
A. Renewal Fee Changes Required by Statute _____	1
B. Disciplinary Process Enhancements _____	1
C. Uniform Procedures for Administration of Continuing Education Programs _____	4
D. Revise Fund Raising Counsel Registration and Bonding Requirements _____	7
E. Streamline Funeral Director Renewal and Eliminate Good Standing Certificate _____	8
F. Authorize Counter Fee and Expedited Service Charge _____	8
G. License Cancellation for Nonpayment of Debit or Credit Card _____	9
H. Repeal of Outdated Statute Permitting Payment by Credit Card _____	9
I. Revise Temporary Permits for Private Security Persons _____	10
J. Revise Renewal Requirements For Private Detectives And Private Security Personnel _____	10
K. Register Cemeteries by Location _____	11
L. Correct Renewal Dates – Hearing And Speech _____	12
M. Revise Renewal Dates – Private Security Personnel and Private Detective Agencies _____	13

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:

(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).

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

I. REVISE TEMPORARY PERMITS FOR PRIVATE SECURITY PERSONS

Summary and Justification

Current statutes restrict the issuance of a temporary private security permit to situations where the department is not able to grant or deny an application because a background check of the individual is not complete. The permit is effective for a maximum of 30 days. These restrictions on the permit limit its usefulness. The requirements are changed to provide for a 90-day temporary permit upon completion of an application, payment of a temporary fee and the cost of a criminal records check. Inability to complete a criminal records check is removed as a condition for issuing the permit.

Proposed Statutory Language

440.26 (5r) (a) 1., 2., and (c) 1. of the statutes are amended to read:

1. The individual has completed an application and provided information required under sub. (5m) (a) and paid the fees required under secs. 440.03 (13) and 440.05 (6).
2. The department ~~is not yet able~~ does not have information sufficient to determine whether to grant or deny the individual's application because a background check of the individual is not complete.
- (c) 1. Except as provided in subd. 2., a temporary private security permit issued under par. (a) is valid for ~~30~~ 90 days.
2. A temporary private security permit issued under par. (a) shall expire on the date that the individual receives written notice from the department that a background check of the individual has been completed and that the department is granting or denying the individual's application for a private security permit, if that date occurs before the end of the period specified in subd. 1.
3. A temporary private security permit issued under par. (a) may not be renewed.

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

J. REVISE RENEWAL REQUIREMENTS FOR PRIVATE DETECTIVES AND PRIVATE SECURITY PERSONNEL

Summary and Justification

Existing requirements mandate that private detectives and private security personnel who apply to renew must be employed by a private detective agency. This requirement is antiquated and unnecessarily restrictive on the movement of detectives and security personnel from one agency to another.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0642/1

MDK:.....

King & Cmty

SOON

DOA:.....Riedasch - Eliminating outdated credit card payment references

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ^{amend} relating to: the budget.

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Under current law, any agency, such as the department of regulation and licensing (DORL), may accept payments made by credit cards approved by the depository selection board. In addition, DORL is specifically allowed under another provision of current law to accept payment of credential fees by credit card. This bill eliminates the provision under current law that specifically refers to DORL.

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

- 2 SECTION 1. 440.055 (1) of the statutes is repealed.
- 3 SECTION 2. 440.055 (2) of the statutes is amended to read:
- 4 440.055 (2) If the department permits the payment of a fee with use of a credit
- 5 card under sub. (1), the department shall charge a credit card service charge for each
- 6 transaction. The credit card service charge shall be in addition to the fee that is being

- 1 paid with the credit card and shall be sufficient to pay the costs to the department
- 2 for providing this service to persons who request it, including the cost of any services
- 3 for which the department contracts under sub. (3).

History: 1995 a. 27.

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(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0642/1
MDK:kmg&cmh:km

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