

1999 DRAFTING REQUEST

Bill

Received: **12/14/98**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 67973**

By/Representing: **Grinde**

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

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Topic:

DOA:.....Grinde - Chapter 29 handling fees retained by agents

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	gibsom 12/15/98	wjackson 12/16/98	lpaasch 12/16/98	_____	lrb_docadmin 12/16/98		S&L
/2	gibsom 02/2/99	wjackson 02/2/99	martykr 02/3/99	_____	lrb_docadmin 02/3/99		S&L

FE Sent For:

<END>

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12 7/2 jlg Km 3/3 chm 2/3
Km 3/3

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1?	gibson	1 WLj 12/15 1 12/15 JLG	12-16 L.P	12-16 L.P HM			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Wednesday, December 02, 1998 8:36 AM
To: Gibson-Glass, Mary
Subject: FW: Possible Statutory Language Revisions to Handling Fee

Mary,

Do you think a statutory change is necessary to allow DNR to contract as proposed below?

Thanks,

Kirsten

> -----Original Message-----

> From: StewaJ@mail01.dnr.state.wi.us [SMTP:StewaJ@mail01.dnr.state.wi.us]
> Sent: Monday, November 30, 1998 3:14 PM
> To: kirsten.grinde@doa.state.wi.us
> Cc: FelkeS@mail01.dnr.state.wi.us; StewaJ@mail01.dnr.state.wi.us
> Subject: Possible Statutory Language Revisions to Handling Fee

>
> Joe asked me to contact you and get your assessment of whether to pursue
> a change to s. 29.09(9r)(a) &(c). This is the statutory language for
> the handling fee. It currently requires the Department to deposit any
> handling fees collected into the conservation fund and credited to the
> appropriation under s. 20.370(9)(hu).

>
> Once Envoy becomes our agent under ALIS, our contract with Central Trust
> Bank calls for Envoy to operate an 800# for selling licenses. Envoy
> will handle the phones orders, accept a credit card, pay the discount
> fee on the card, and mail the license to the customer for a \$3 handling
> fee. They will keep the handling fee and the issuance fee and remit the
> balance collected to us.

clerk of courts

>
> I checked with Tim Andryk to see if he thought a change in the statutes
> was required. This is the response that I got back from him:

>
> "Sec. 29.09(9r)(a) & (c), Stats., says that all handling fees are to be
> deposited in the conservation fund and credited to the appropriation
> account under s. 20.370(9)(hu), (Customer Service and Licensing Account)
> to be used to pay the costs associated with issuing approvals by mail,
> telephone or electronic means. Consequently, Envoy can collect the fee
> as an agent of the state under a state contract, but they must deposit
> the money first in DNR's account and then DNR uses the \$ to pay Envoy.
> My question then, is can we transfer this money electronically back and
> forth between Envoy and the Department in order to comply with the
> statute? It appears that if the money is not deposited into the
> Department Licensing account we are violating the statute. Jimmy and I
> suggest that in the absence of not changing the statute, if you want
> Envoy to retain the handling fee outright (rather than transferring it
> back and forth), then you need to check to see if DOA would go along
> with it."

>
> We do not want to submit statutory language that is primarily technical
> clean-up at this point. However, if the language is essential, then we
> need to submit a drafting request.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1255/M 1
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WLJ
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JLG

D-Note Boon

DOA:.....Grinde - Chapter 29 handling fees retained by agents
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

DO NOT
GEN CAT

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

Analysis by the Legislative Reference Bureau

- ✓ NATURAL RESOURCES ✓
- ✓ FISH, GAME AND WILDLIFE ✓

Under current law, both the department of natural resources (DNR) ✓ and the agents that DNR appoints may issue fish and game approvals and may collect fees for these approvals. Under current law, DNR may charge a handling fee to cover the costs incurred by DNR in issuing these approvals by mail, telephone or electronic means. Current law limits the collection of this handling fee to those approvals directly issued by DNR. Under this bill, DNR may authorize any of its agents to collect and retain this handling fee.

For further information see the *state and local* 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:

2 SECTION 1. 20.370 (9) (hu) ✓ of the statutes is amended to read:
3 20.370 (9) (hu) ✓ *Handling fees*. All moneys received by the department ✓ under
4 s. 29.556 for the handling of approvals by the department under s. 29.556.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929

(37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248.

1 **SECTION 2.** 29.556 (1) of the statutes is renumbered 29.556 (1m) and amended
2 to read:

3 29.556 (1m) In addition to any other fee imposed under s. 29.563, the
4 department may collect a handling fee for the approvals that the department itself
5 issues to cover the handling costs incurred in issuing approvals.

History: 1997 a. 248 ss. 150, 151.

6 **SECTION 3.** 29.556 (2) of the statutes is renumbered 29.556 (2) (a) and amended
7 to read:

8 29.556 (2) (a) If the department collects a handling fee under sub. (1) (1m), it
9 shall promulgate rules to designate do all of the following:

- 10 1. Designate the approvals to which the fee applies and to establish.
11 2. Establish the amounts amount of the fee.
12 (c) The ^{handling} fee may not be more than the amounts necessary to cover the handling
13 costs of issuing the approvals.

14 (1b) In this paragraph section, "handling costs" includes the costs associated
15 with paying for approvals that are requested by mail, telephone or electronic means
16 and includes credit transaction fees, mailing costs and personnel costs that are
17 necessary to process the credit transaction.

History: 1997 a. 248 ss. 150, 151.

18 **SECTION 4.** 29.556 (2) (b) of the statutes is created to read:

19 29.556 (2) (b) The department may allow any agent who is appointed under s.
20 29.024 (6) (a) 2. or 3. to collect the handling fee and retain all or a portion of the
21 handling fee.

22 **SECTION 5.** 29.556 (3) of the statutes is amended to read:

1 29.556 (3) Any fees collected under this section by the department ✓ shall be
2 credited to the appropriation account under s. 20.370 (9) (hu).

3 History: 1997 a. 248 ss. 150, 151.

(END) ✓

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

LRB-1255/3dn¹

MGG.....

Wlj
4

JLg

1. Note that the authority created in this draft applies to agents appointed under both s. 29.024 (6) (a) 2[✓] and 3[✓]. OK?

2. Note the change from the plural "amounts" to the singular "amount" in s. 29.556 (2) (a) 2[✓]. I made this consistent with the singular in s. 29.556 (2) (a) 1[✓]. If the handling fee needs to be more than one amount depending on the type of approval issued, this needs to be redrafted.

with

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

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

LRB-1255/1dn
MGG:wlj&jlg:lp

December 16, 1998

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Mary Gibson-Glass
Senior Legislative Attorney
267-3215



State of Wisconsin
1999 - 2000 LEGISLATURE

RMP
LRB-1255/2
MGG:wj&jlg:lp

NOON
O-Note

DOA:.....Grinde - Chapter 29 handling fees retained by agents

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

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FISH, GAME AND WILDLIFE

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25 D-Note (END)

Kusten Grande reconciles
= If This draft reconciles LRB-0221/4, LRB-1255/1 and LRB-1578/30
= All three drafts should continue to appear in the compiled bill
MGR

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

LRB-1255/2dn
MGG:wlj&jlg:km

February 3, 1999

Kirsten Grinde:

This draft reconciles LRB-0221/4, LRB-1255/1 and LRB-1578/3. All three drafts should continue to appear in the compiled bill.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
1999 - 2000 LEGISLATURE

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