

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/22/99**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus 6-2257**

By/Representing: **Walter**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Fin. Inst. - banking inst.**

Extra Copies:

**Pre Topic:**

SDC:.....Walter -

**Topic:**

ATM fes

**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	rmarchan 06/23/99	chanaman 06/24/99	ismith 06/27/99	_____	lrb_docadmin 06/27/99		
	rmarchan 06/28/99	chanaman 06/28/99		_____			
/2			ismith 06/28/99	_____	lrb_docadmin 06/28/99		

FE Sent For:

<END>

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/1	rmarchan 06/23/99	chanaman 06/24/99	ismith 06/27/99	<u>WJ</u> <u>cmh</u>	lrb_docadmin 06/27/99		

*IS  
6/28*

FE Sent For:

<END>

1999 DRAFTING REQUEST

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Topic:

ATM fees

fees

Instructions:

See Attached

Drafting History:

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1?	rmarchan	cmv 6/24 1	IS 6/27	AS/JF 6/27			

FE Sent For:

<END>

**Agency: Financial Institutions**

caucus number 1503

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: LRB b0651/1. Permit DFI to conduct safety and soundness examinations of an entity operating in the state pursuant to Section 7(a) of the Small Business Act.

**other notes**

drafting instructions: LRB b0651/1. See above.  
more instructions:

caucus number 1728

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Authorize DFI to sepnd up to \$120,000 of annual program revenue funds for its Financial Education Program.

**other notes**

drafting instructions: See above.  
more instructions:

caucus number 2763

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 3126/P2dn	LRB P-draft:

description: Insert the provisions of LRB 3126/P2dn including minor changes previously mentioned to the drafter, er: credit union membership, powers and investments, interstate operations of CU, powers of CU service organizations, and others (see attached for details)

**other notes**

drafting instructions: See attached.  
more instructions:

*SOC*

caucus number 2768

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number: AB 131	
LRB draft #	LRB P-draft:

description: Adopt AB 131 relating to prohibiting ATM fees.

**other notes**

drafting instructions: Adopt AB 131. See above.  
more instructions:

Agency: **Financial Institutions**

Number of Amendments: 4

+

Adopt the provisions of AB 131, related to prohibiting ATM fees.

2768

Doug Burnett  
Office of Senate Majority Leader Chuck Chvala  
608-266-9170

FIN INST.

FIN

Q

Ref AB 131



State of Wisconsin  
1999 - 2000 LEGISLATURE

SOON

1  
LRBb0881/0  
RJM:.....  
cmr RMR  
DUOTE

SDC:.....Walter - ATM fees

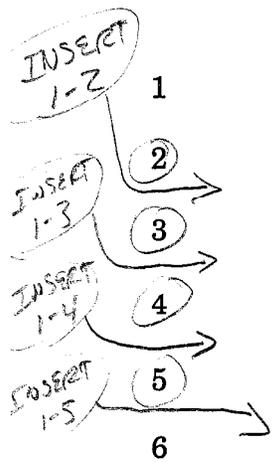
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

WPO  
Please for  
request sheet



At the locations indicated, amend the substitute amendment as follows:

1. Page 1179, line 19: after that line insert:
2. Page 1186, line 9: after that line insert:
3. Page 1193, line 3: after that line insert:
4. Page 1608, line 19: after that line insert:

(END)



# 1999 ASSEMBLY BILL 131

February 16, 1999 - Introduced by Representatives J. LEHMAN, PLOUFF, POCAN, CULLEN, BOCK, MILLER, BLACK, BERGEAU and YOUNG, cosponsored by Senators RISSER, ROBSON, ERPENBACH and GEORGE. Referred to Committee on Financial Institutions.

1 **AN ACT to amend** 186.113 (15) (a), 214.04 (21) (b), 215.13 (46) (a) 1. and 221.0308  
2 (2) of the statutes; **relating to:** bank charges for transactions at automatic  
3 teller machines.

### *Analysis by the Legislative Reference Bureau*

Under current law, banks, credit unions, savings banks and savings and loan associations (financial institutions) are authorized to operate customer bank communications terminals, remote service units or remote terminals, commonly referred to as automatic teller machines (ATMs). Financial institutions are required to make their ATMs available for use, on a nondiscriminatory basis, upon request by another financial institution or by customers designated by a financial institution using the terminal, subject to joint rules established by the division of savings and loan, the division of banking and the office of credit unions in the department of financial institutions. This bill requires these joint rules to prohibit a financial institution that is an owner or operator of an ATM from charging a person a fee for a transaction using that ATM, unless the transaction relates to or affects an account held by that person with that financial institution.

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

4 "SECTION 1. 186.113 (15) (a) of the statutes is amended to read:

230898 } B

INSERT  
1-2

ASSEMBLY BILL 131

SECTION 1

1 186.113 (15) (a) Directly or indirectly, acquire, place and operate, or participate  
 2 in the acquisition, placement and operation of, at locations other than its offices,  
 3 remote terminals, in accordance with rules established by the office of credit unions.  
 4 The rules shall provide that any remote terminal shall be available for use, on a  
 5 nondiscriminatory basis, by any state or federal credit union which has its principal  
 6 place of business in this state, by any other credit union obtaining the consent of a  
 7 state or federal credit union which has its principal place of business in this state and  
 8 is using the terminal and by all members designated by a credit union using the  
 9 terminal. This subsection does not authorize a credit union which has its principal  
 10 place of business outside the state to conduct business as a credit union in this state.  
 11 The remote terminals also shall be available for use, on a nondiscriminatory basis,  
 12 by any state or national bank, state or federal savings bank or state or federal savings  
 13 and loan association, whose home office is located in this state, if the bank, savings  
 14 bank or savings and loan association requests to share its use, subject to the joint  
 15 rules established under s. 221.0303 (2). The joint rules under s. 221.0303 (2) shall  
 16 prohibit a credit union that owns or operates a remote terminal from charging a  
 17 person a fee for a transaction using that remote terminal, unless the transaction  
 18 relates to or affects an account held by that person with that credit union. The office  
 19 of credit unions by order may authorize the installation and operation of a remote  
 20 terminal in a mobile facility, after notice and hearing upon the proposed service stops  
 21 of the mobile facility.

INSECT  
1-3

22 (SECTION 2. 214.04 (21) (b) of the statutes is amended to read:

23 214.04 (21) (b) The rules of the division shall provide that any remote service  
 24 unit shall be available for use, on a nondiscriminatory basis, by any state or federal  
 25 savings bank which has its principal place of business in this state, by any other state

2337m

6

## ASSEMBLY BILL 131

1 or federal savings bank obtaining the consent of a state or federal savings bank that  
2 has its principal place of business in this state and is using the terminal and by all  
3 customers designated by a savings bank using the unit. This paragraph does not  
4 authorize a savings bank which has its principal place of business outside this state  
5 to conduct business as a savings bank in this state. A remote service unit shall be  
6 available for use, on a nondiscriminatory basis, by any credit union, state or national  
7 bank or state or federal savings and loan association, whose home office is located  
8 in this state, if the credit union, bank or savings and loan association requests to  
9 share its use, subject to joint rules established by the division of banking, the office  
10 of credit unions and the division under s. 221.0303 (2). The joint rules under s.  
11 221.0303 (2) shall prohibit a savings bank that owns or operates a remote service unit  
12 from charging a person a fee for a transaction using that remote service unit, unless  
13 the transaction relates to or affects an account held by that person with that savings  
14 bank. The division by order may authorize the installation and operation of a remote  
15 service unit in a mobile facility, after notice and hearing upon the proposed service  
16 stops of the mobile facility.

17 SECTION 2. 215.13 (46) (a) 1. of the statutes is amended to read:

18 215.13 (46) (a) 1. Directly or indirectly, acquire, place and operate, or  
19 participate in the acquisition, placement and operation of, at locations other than its  
20 home or branch offices, remote service units, in accordance with rules established by  
21 the division. Remote service units established in accordance with such rules are not  
22 subject to sub. (36), (39), (40) or (47) or s. 215.03 (8). The rules of the division shall  
23 provide that any such remote service unit shall be available for use, on a  
24 nondiscriminatory basis, by any state or federal savings and loan association which  
25 has its principal place of business in this state, by any other savings and loan

ASSEMBLY BILL 131

1 association obtaining the consent of a state or federal savings and loan association  
 2 which has its principal place of business in this state and is using the terminal and  
 3 by all customers designated by a savings and loan association using the unit. This  
 4 paragraph does not authorize a savings and loan association which has its principal  
 5 place of business outside this state to conduct business as a savings and loan  
 6 association in this state. The remote service units also shall be available for use, on  
 7 a nondiscriminatory basis, by any credit union, state or national bank or state or  
 8 federal savings bank, whose home office is located in this state, if the credit union,  
 9 bank or savings bank requests to share its use, subject to the joint rules established  
 10 under s. 221.0303 (2). The joint rules under s. 221.0303 (2) shall prohibit a savings  
 11 and loan association that owns or operates a remote service unit from charging a  
 12 person a fee for a transaction using that remote service unit, unless the transaction  
 13 relates to or affects an account held by that person with that savings and loan  
 14 association. The division by order may authorize the installation and operation of  
 15 a remote service unit in a mobile facility, after notice and hearing upon the proposed  
 16 service stops of the mobile facility."

INSECT  
1-4

17 "SECTION 221.0303 (2) of the statutes is amended to read:

2341a  
B

18 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
 19 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or  
 20 participate in the acquisition, placement and operation of, at locations other than its  
 21 main or branch offices, customer bank communications terminals, in accordance  
 22 with rules established by the division. The rules of the division shall provide that  
 23 any such customer bank communications terminal shall be available for use, on a  
 24 nondiscriminatory basis, by any state or national bank and by all customers  
 25 designated by a bank using the terminal. This subsection does not authorize a bank

ASSEMBLY BILL 131

1 which has its principal place of business outside this state to conduct banking  
 2 business in this state. The customer bank communications terminals also shall be  
 3 available for use, on a nondiscriminatory basis, by any credit union, savings and loan  
 4 association or savings bank, if the credit union, savings and loan association or  
 5 savings bank requests to share its use, subject to rules jointly established by the  
 6 division of banking, the office of credit unions and the division of savings and loan.  
 7 The joint rules shall prohibit a bank that owns or operates a customer bank  
 8 communications terminal from charging a person a fee for a transaction using that  
 9 customer bank communications terminal, unless the transaction relates to or affects  
 10 an account held by that person with that bank. The division by order may authorize  
 11 the installation and operation of a customer bank communications terminal in a  
 12 mobile facility, after notice and hearing upon the proposed service stops of the mobile  
 13 facility."

INSERT 1-5

~~SECTION 5. Effective date.~~

14 ~~SECTION 5. Effective date.~~  
 15 ~~This act~~ takes effect on the first day of the 7th month beginning after  
 16 publication."

Effective date

cs

(END)

FEEES FOR TRANSACTIONS AT CUSTOMER BANK COMMUNICATIONS TERMINALS,  
REMOTE SERVICE UNITS OR REMOTE TERMINALS. The treatment of sections 186.113(15)(a),  
 214.04(21)(b), 215.13(4b)(a)1. and 221.0303(2) of the statutes

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

LRBb0881/1dn

RJM:.....

*cmf*

1. Attached is the amendment you requested that incorporates 1999 AB 131 into the budget bill. This draft prohibits banks, credit unions, savings banks or savings and loan institutions from charging ATM fees under certain circumstances. However, it is unclear whether these requirements are intended to apply to national and federal financial institutions. For example, the term "credit union" is defined as a financial institution incorporated under ch. 186. See s. 186.01 (2), stats. Thus, although this draft likely does apply to national banks and federal savings and loan associations, this draft may not apply to federally chartered credit unions. If you intend to clarify this ambiguity, please let me know.

2. In addition, it is unclear whether and to what extent the state may regulate the fees charged by national and federal financial institutions. For example, it is possible that the National Banking Act, at 12 USC 24 (Seventh), preempts the application of this bill to national banks. See *Fleet Nat'l Bank v. Burke*, 1998 Conn. Super. LEXIS 3554; *Bank One v. Guttau*, 1998 U.S. Dist. LEXIS 14830. Furthermore, if these requirements are not preempted by federal law, the federal government may have exclusive authority to enforce these requirements against federal financial institutions doing business in this state. See *First Union Nat'l Bank v. Burke*, 1999 U.S. Dist. LEXIS 6415. I am not aware of any binding court decision on these issues.

If you desire any changes to this amendment, please feel free to contact me.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: Robert.Marchant@legis.state.wi.us

*add hyphen*

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

LRBb0881/1dn  
RJM:cmh:ijs

June 27, 1999

1. Attached is the amendment you requested that incorporates 1999 AB-131 into the budget bill. This draft prohibits banks, credit unions, savings banks or savings and loan institutions from charging ATM fees under certain circumstances. However, it is unclear whether these requirements are intended to apply to national and federal financial institutions. For example, the term "credit union" is defined as a financial institution incorporated under ch. 186. See s. 186.01 (2), stats. Thus, although this draft likely does apply to national banks and federal savings and loan associations, this draft may not apply to federally chartered credit unions. If you intend to clarify this ambiguity, please let me know.

2. In addition, it is unclear whether and to what extent the state may regulate the fees charged by national and federal financial institutions. For example, it is possible that the National Banking Act, at 12 USC 24 (Seventh), preempts the application of this bill to national banks. See *Fleet Nat'l Bank v. Burke*, 1998 Conn. Super. LEXIS 3554; *Bank One v. Guttau*, 1998 U.S. Dist. LEXIS 14830. Furthermore, if these requirements are not preempted by federal law, the federal government may have exclusive authority to enforce these requirements against federal financial institutions doing business in this state. See *First Union Nat'l Bank v. Burke*, 1999 U.S. Dist. LEXIS 6415. I am not aware of any binding court decision on these issues.

If you desire any changes to this amendment, please feel free to contact me.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: Robert.Marchant@legis.state.wi.us



State of Wisconsin  
1999 - 2000 LEGISLATURE

*Seon*

2  
LRBb0881/1  
RJM:cmh:ijs

*RMR*

*DJOTE*

SDC:.....Walter - ATM fees

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1179, line 19: after that line insert:

3 "SECTION 2308pq. 186.113 (15) (a) of the statutes is amended to read:

4 186.113 (15) (a) Directly or indirectly, acquire, place and operate, or participate

5 in the acquisition, placement and operation of, at locations other than its offices,

6 remote terminals, in accordance with rules established by the office of credit unions.

7 The rules shall provide that any remote terminal shall be available for use, on a

8 nondiscriminatory basis, by any state or federal credit union which has its principal

9 place of business in this state, by any other credit union obtaining the consent of a

10 state or federal credit union which has its principal place of business in this state and

1 is using the terminal and by all members designated by a credit union using the  
2 terminal. This subsection does not authorize a credit union which has its principal  
3 place of business outside the state to conduct business as a credit union in this state.  
4 The remote terminals also shall be available for use, on a nondiscriminatory basis,  
5 by any state or national bank, state or federal savings bank or state or federal savings  
6 and loan association, whose home office is located in this state, if the bank, savings  
7 bank or savings and loan association requests to share its use, subject to the joint  
8 rules established under s. 221.0303 (2). The joint rules under s. 221.0303 (2) shall  
9 prohibit a <sup>state or federal</sup> credit union that owns or operates a remote terminal from charging a  
10 person a fee for a transaction using that remote terminal, unless the transaction  
11 relates to or affects an account held by that person with that credit union. The office  
12 of credit unions by order may authorize the installation and operation of a remote  
13 terminal in a mobile facility, after notice and hearing upon the proposed service stops  
14 of the mobile facility.”

15 **2.** Page 1186, line 9: after that line insert:

16 “SECTION 2337m. 214.04 (21) (b) of the statutes is amended to read:

17 214.04 (21) (b) The rules of the division shall provide that any remote service  
18 unit shall be available for use, on a nondiscriminatory basis, by any state or federal  
19 savings bank which has its principal place of business in this state, by any other state  
20 or federal savings bank obtaining the consent of a state or federal savings bank that  
21 has its principal place of business in this state and is using the terminal and by all  
22 customers designated by a savings bank using the unit. This paragraph does not  
23 authorize a savings bank which has its principal place of business outside this state  
24 to conduct business as a savings bank in this state. A remote service unit shall be

1 available for use, on a nondiscriminatory basis, by any credit union, state or national  
2 bank or state or federal savings and loan association, whose home office is located  
3 in this state, if the credit union, bank or savings and loan association requests to  
4 share its use, subject to joint rules established by the division of banking, the office  
5 of credit unions and the division under s. 221.0303 (2). The joint rules under s.  
6 221.0303 (2) shall prohibit a <sup>state or federal</sup> savings bank that owns or operates a remote service unit  
7 from charging a person a fee for a transaction using that remote service unit, unless  
8 the transaction relates to or affects an account held by that person with that savings  
9 bank. The division by order may authorize the installation and operation of a remote  
10 service unit in a mobile facility, after notice and hearing upon the proposed service  
11 stops of the mobile facility.

12 **SECTION 2340m.** 215.13 (46) (a) 1. of the statutes is amended to read:

13 215.13 (46) (a) 1. Directly or indirectly, acquire, place and operate, or  
14 participate in the acquisition, placement and operation of, at locations other than its  
15 home or branch offices, remote service units, in accordance with rules established by  
16 the division. Remote service units established in accordance with such rules are not  
17 subject to sub. (36), (39), (40) or (47) or s. 215.03 (8). The rules of the division shall  
18 provide that any such remote service unit shall be available for use, on a  
19 nondiscriminatory basis, by any state or federal savings and loan association which  
20 has its principal place of business in this state, by any other savings and loan  
21 association obtaining the consent of a state or federal savings and loan association  
22 which has its principal place of business in this state and is using the terminal and  
23 by all customers designated by a savings and loan association using the unit. This  
24 paragraph does not authorize a savings and loan association which has its principal  
25 place of business outside this state to conduct business as a savings and loan

1 association in this state. The remote service units also shall be available for use, on  
2 a nondiscriminatory basis, by any credit union, state or national bank or state or  
3 federal savings bank, whose home office is located in this state, if the credit union,  
4 bank or savings bank requests to share its use, subject to the joint rules established  
5 under s. 221.0303 (2). The joint rules under s. 221.0303 (2) shall prohibit a savings  
6 and loan association that owns or operates a remote service unit from charging a  
7 person a fee for a transaction using that remote service unit, unless the transaction  
8 relates to or affects an account held by that person with that savings and loan  
9 association. The division by order may authorize the installation and operation of  
10 a remote service unit in a mobile facility, after notice and hearing upon the proposed  
11 service stops of the mobile facility.”

12 **3.** Page 1193, line 3: after that line insert:

13 “SECTION 2344a. 221.0303 (2) of the statutes is amended to read:

14 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
15 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or  
16 participate in the acquisition, placement and operation of, at locations other than its  
17 main or branch offices, customer bank communications terminals, in accordance  
18 with rules established by the division. The rules of the division shall provide that  
19 any such customer bank communications terminal shall be available for use, on a  
20 nondiscriminatory basis, by any state or national bank and by all customers  
21 designated by a bank using the terminal. This subsection does not authorize a bank  
22 which has its principal place of business outside this state to conduct banking  
23 business in this state. The customer bank communications terminals also shall be  
24 available for use, on a nondiscriminatory basis, by any credit union, savings and loan

1 association or savings bank, if the credit union, savings and loan association or  
2 savings bank requests to share its use, subject to rules jointly established by the  
3 division of banking, the office of credit unions and the division of savings and loan.  
4 The joint rules shall prohibit a <sup>state or national</sup> bank that owns or operates a customer bank  
5 communications terminal from charging a person a fee for a transaction using that  
6 customer bank communications terminal, unless the transaction relates to or affects  
7 an account held by that person with that bank. The division by order may authorize  
8 the installation and operation of a customer bank communications terminal in a  
9 mobile facility, after notice and hearing upon the proposed service stops of the mobile  
10 facility.”

11 **4.** Page 1608, line 19: after that line insert:

12 “(6g) FEES FOR TRANSACTIONS AT CUSTOMER BANK COMMUNICATIONS TERMINALS,  
13 REMOTE SERVICE UNITS OR REMOTE TERMINALS. The treatment of sections 186.113 (15)  
14 (a), 214.04 (21) (b), 215.13 (46) (a) 1. and 221.0303 (2) of the statutes takes effect on  
15 the first day of the 7th month beginning after publication.”

16

(END)

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

LRBb0881/2dn

RJM:.....

*cmf*

*redraft*

*redraft*

Attached is a redraft of the amendment regarding ATM fees. This amendment was requested by Doug Burnett. This amendment clarifies that the prohibition on ATM fees applies to state, national and federal financial institutions. Please call if you have any questions.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: Robert.Marchant@legis.state.wi.us

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

LRBb0881/2dn  
RJM:cmh:ijs

June 28, 1999

Attached is a redraft of the amendment regarding ATM fees. This redraft was requested by Doug Burnett. This redraft clarifies that the prohibition on ATM fees applies to state, national and federal financial institutions. Please call if you have any questions.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: [Robert.Marchant@legis.state.wi.us](mailto:Robert.Marchant@legis.state.wi.us)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0881/2  
RJM:cmh:ijs

SDC:.....Walter - ATM fes

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1179, line 19: after that line insert:

3 **"SECTION 2308pq.** 186.113 (15) (a) of the statutes is amended to read:

4 186.113 (15) (a) Directly or indirectly, acquire, place and operate, or participate

5 in the acquisition, placement and operation of, at locations other than its offices,

6 remote terminals, in accordance with rules established by the office of credit unions.

7 The rules shall provide that any remote terminal shall be available for use, on a

8 nondiscriminatory basis, by any state or federal credit union which has its principal

9 place of business in this state, by any other credit union obtaining the consent of a

10 state or federal credit union which has its principal place of business in this state and

1 is using the terminal and by all members designated by a credit union using the  
2 terminal. This subsection does not authorize a credit union which has its principal  
3 place of business outside the state to conduct business as a credit union in this state.  
4 The remote terminals also shall be available for use, on a nondiscriminatory basis,  
5 by any state or national bank, state or federal savings bank or state or federal savings  
6 and loan association, whose home office is located in this state, if the bank, savings  
7 bank or savings and loan association requests to share its use, subject to the joint  
8 rules established under s. 221.0303 (2). The joint rules under s. 221.0303 (2) shall  
9 prohibit a state or federal credit union that owns or operates a remote terminal from  
10 charging a person a fee for a transaction using that remote terminal, unless the  
11 transaction relates to or affects an account held by that person with that credit union.  
12 The office of credit unions by order may authorize the installation and operation of  
13 a remote terminal in a mobile facility, after notice and hearing upon the proposed  
14 service stops of the mobile facility.”

15 **2.** Page 1186, line 9: after that line insert:

16 **“SECTION 2337m.** 214.04 (21) (b) of the statutes is amended to read:

17 214.04 (21) (b) The rules of the division shall provide that any remote service  
18 unit shall be available for use, on a nondiscriminatory basis, by any state or federal  
19 savings bank which has its principal place of business in this state, by any other state  
20 or federal savings bank obtaining the consent of a state or federal savings bank that  
21 has its principal place of business in this state and is using the terminal and by all  
22 customers designated by a savings bank using the unit. This paragraph does not  
23 authorize a savings bank which has its principal place of business outside this state  
24 to conduct business as a savings bank in this state. A remote service unit shall be

1 available for use, on a nondiscriminatory basis, by any credit union, state or national  
2 bank or state or federal savings and loan association, whose home office is located  
3 in this state, if the credit union, bank or savings and loan association requests to  
4 share its use, subject to joint rules established by the division of banking, the office  
5 of credit unions and the division under s. 221.0303 (2). The joint rules under s.  
6 221.0303 (2) shall prohibit a state or federal savings bank that owns or operates a  
7 remote service unit from charging a person a fee for a transaction using that remote  
8 service unit, unless the transaction relates to or affects an account held by that  
9 person with that savings bank. The division by order may authorize the installation  
10 and operation of a remote service unit in a mobile facility, after notice and hearing  
11 upon the proposed service stops of the mobile facility.

12 **SECTION 2340m.** 215.13 (46) (a) 1. of the statutes is amended to read:

13 215.13 (46) (a) 1. Directly or indirectly, acquire, place and operate, or  
14 participate in the acquisition, placement and operation of, at locations other than its  
15 home or branch offices, remote service units, in accordance with rules established by  
16 the division. Remote service units established in accordance with such rules are not  
17 subject to sub. (36), (39), (40) or (47) or s. 215.03 (8). The rules of the division shall  
18 provide that any such remote service unit shall be available for use, on a  
19 nondiscriminatory basis, by any state or federal savings and loan association which  
20 has its principal place of business in this state, by any other savings and loan  
21 association obtaining the consent of a state or federal savings and loan association  
22 which has its principal place of business in this state and is using the terminal and  
23 by all customers designated by a savings and loan association using the unit. This  
24 paragraph does not authorize a savings and loan association which has its principal  
25 place of business outside this state to conduct business as a savings and loan

1 association in this state. The remote service units also shall be available for use, on  
2 a nondiscriminatory basis, by any credit union, state or national bank or state or  
3 federal savings bank, whose home office is located in this state, if the credit union,  
4 bank or savings bank requests to share its use, subject to the joint rules established  
5 under s. 221.0303 (2). The joint rules under s. 221.0303 (2) shall prohibit a state or  
6 federal savings and loan association that owns or operates a remote service unit from  
7 charging a person a fee for a transaction using that remote service unit, unless the  
8 transaction relates to or affects an account held by that person with that savings and  
9 loan association. The division by order may authorize the installation and operation  
10 of a remote service unit in a mobile facility, after notice and hearing upon the  
11 proposed service stops of the mobile facility.”.

12 **3.** Page 1193, line 3: after that line insert:

13 “**SECTION 2344a.** 221.0303 (2) of the statutes is amended to read:

14 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
15 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or  
16 participate in the acquisition, placement and operation of, at locations other than its  
17 main or branch offices, customer bank communications terminals, in accordance  
18 with rules established by the division. The rules of the division shall provide that  
19 any such customer bank communications terminal shall be available for use, on a  
20 nondiscriminatory basis, by any state or national bank and by all customers  
21 designated by a bank using the terminal. This subsection does not authorize a bank  
22 which has its principal place of business outside this state to conduct banking  
23 business in this state. The customer bank communications terminals also shall be  
24 available for use, on a nondiscriminatory basis, by any credit union, savings and loan

1 association or savings bank, if the credit union, savings and loan association or  
2 savings bank requests to share its use, subject to rules jointly established by the  
3 division of banking, the office of credit unions and the division of savings and loan.  
4 The joint rules shall prohibit a state or national bank that owns or operates a  
5 customer bank communications terminal from charging a person a fee for a  
6 transaction using that customer bank communications terminal, unless the  
7 transaction relates to or affects an account held by that person with that bank. The  
8 division by order may authorize the installation and operation of a customer bank  
9 communications terminal in a mobile facility, after notice and hearing upon the  
10 proposed service stops of the mobile facility.”

11 **4.** Page 1608, line 19: after that line insert:

12 “(6g) FEES FOR TRANSACTIONS AT CUSTOMER BANK COMMUNICATIONS TERMINALS,  
13 REMOTE SERVICE UNITS OR REMOTE TERMINALS. The treatment of sections 186.113 (15)  
14 (a), 214.04 (21) (b), 215.13 (46) (a) 1. and 221.0303 (2) of the statutes takes effect on  
15 the first day of the 7th month beginning after publication.”

16 (END)