

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **03/27/2002**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Engel**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters: **gibsom**

Subject: **Fin. Inst. - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

SCC:.....Engel - CN3705,

Topic:

SA (gift certificates under unclaimed property law) to SSA1 (JFC sub) to AB1 (budget adjustment bill)

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>
/?	rmarchan 03/27/2002	kfollet 03/27/2002		_____			
/1	rmarchan 03/27/2002	kfollet 03/28/2002	haugeca 03/27/2002	_____	lrb_docadmin 03/27/2002		
/2	rmarchan 04/01/2002 gibsom 04/01/2002	gilfokm 04/01/2002	jfrantze 03/28/2002	_____	lrb_docadmin 03/28/2002		
/3			pgreensl	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			04/01/2002	_____	04/01/2002		

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<END>

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/1	rmarchan 03/27/2002	kfollet 03/28/2002	haugeca 03/27/2002	_____ #/	lrb_docadmin 03/27/2002		
/2		1/3-4/1 KMG	jfrantze 03/28/2002	_____ PS	lrb_docadmin 03/28/2002		

FE Sent For:

4/1
PS

<END>

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/?	rmarchan 03/27/2002	kfollet 03/27/2002		_____			
/1		12 3/28 ist	haueca 03/27/2002	_____	lrb_docadmin 03/27/2002		
FE Sent For:			<i>[Signature]</i> 3/28	<i>[Signature]</i> 3/28			

<END>

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See Attached

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1?	rmarchan	1/ 3/27 KJF	CH 3-27	CH 3-27 proof			

FE Sent For:

<END>

CN 3705

RJM

Section 177 -- Uniform Unclaimed Property Act

Delete 'gift certificates' from the unclaimed property act.

See attached draft language

2001

Date (time)
needed _____

LRB b 2796, 1

CAUCUS BUDGET AMENDMENT
[CAUCUS AMDTS. ONLY]

RJM : kf :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

CAUCUS AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1
TO 2001 SPECIAL SESSION ASSEMBLY BILL 1

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page , line :

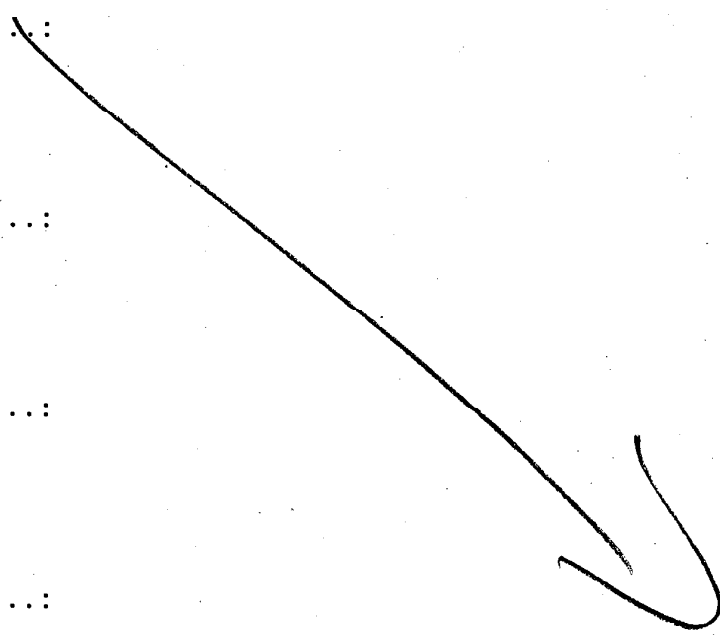
#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :



1 **SECTION 340m.** 166.03 (1) (b) 8. of the statutes is created to read:

2 166.03 (1) (b) 8. During a state of emergency related to public health, suspend
3 the provisions of any administrative rule if the strict compliance with that rule would
4 prevent, hinder, or delay necessary actions to respond to the emergency and increase
5 the health threat to the population.

6 **SECTION 340n.** 166.03 (2) (a) 6. of the statutes is created to read:

7 166.03 (2) (a) 6. No later than 90 days after a state of emergency relating to
8 public health is declared and the department of health and family services is not
9 designated under s. 166.03 (1) (b) 1. as the lead state agency to respond to that
10 emergency and no later than 90 days after the termination of this state of emergency
11 relating to public health, submit to the legislature under s. 13.172 (2) and to the
12 governor a report on all of the following:

- 13 a. The emergency powers used by the department of military affairs or its
14 agents.
15 b. The expenses incurred by the department of military affairs and its agents
16 in acting under the state of emergency related to public health."

17 ~~246~~ Page 177, line 2: after that line insert:

18 **"SECTION 343m.** 177.01 (10) (a) 2. of the statutes is amended to read:

19 177.01 (10) (a) 2. Credit balances, customer overpayments, ~~gift certificates,~~
20 security deposits, refunds, credit memos, unpaid wages, unused airline tickets and
21 unidentified remittances.

22 **SECTION 343q.** 177.14 of the statutes is amended to read:

23 **177.14 ~~Gift certificates and credit~~ Credit memos.** (1) A ~~gift certificate or~~
24 a credit memo issued in the ordinary course of the issuer's business that remains

1 unclaimed by the owner for more than 5 years after becoming payable or
2 distributable is presumed abandoned.

3 .. (2) ~~In the case of a gift certificate, the amount presumed abandoned is the price~~
4 ~~paid by the purchaser of the gift certificate. In the case of a credit memo, the~~ The
5 amount presumed abandoned under sub. (1) is the amount credited to the recipient
6 of the credit memo." *end*

7 ~~217. Page 177, line 14: after that line insert:~~

8 ~~SECTION 346pc. 186.01 (2) of the statutes is amended to read:~~

9 ~~186.01 (2). "Credit union" means, except as specifically provided under ss.~~
10 ~~186.41 (1) and 186.45 (1), a cooperative, nonprofit corporation, incorporated under~~
11 ~~this chapter to encourage thrift among its members, create a source of credit at a fair~~
12 ~~and reasonable cost, and provide an opportunity for its members to improve their~~
13 ~~economic and social conditions.~~

14 ~~SECTION 346pd. 186.02 (2) (a) 1. of the statutes is amended to read:~~

15 ~~186.02 (2) (a) 1. The conditions of residence or occupation which qualify persons~~
16 ~~that determine eligibility for membership.~~

17 ~~SECTION 346pe. 186.02 (2) (b) 2. of the statutes is amended to read:~~

18 ~~186.02 (2) (b) 2. Residents Except as otherwise provided in this subdivision,~~
19 ~~individuals who reside or are employed within a well-defined neighborhood,~~
20 ~~community or rural district and contiguous neighborhoods and communities. If the~~
21 ~~office of credit unions, subsequent to a credit union merger, determines that it would~~
22 ~~be inappropriate under the circumstances to require members of the credit union~~
23 ~~that results from the merger to reside or be employed in contiguous neighborhoods~~



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2796/E 2
RJM/kjf:ch

Stacy

PM MR

SCC:.....Engel – CN3705, SA (gift certificates under unclaimed property law)
to SSA1 (JFC sub) to AB1 (budget adjustment bill)

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

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

2 **1.** Page 177, line 2: after that line insert:

3 “SECTION 343m. 177.01 (10) (a) 2. of the statutes is amended to read:

4 177.01 (10) (a) 2. Credit balances, customer overpayments, ~~gift certificates,~~
5 security deposits, refunds, credit memos, unpaid wages, unused airline tickets and
6 unidentified remittances.

7 SECTION 343q. 177.14 of the statutes is amended to read:

8 **177.14 ~~Gift certificates and credit~~ Credit memos. (1) A ~~gift certificate or~~**
9 a credit memo issued in the ordinary course of the issuer’s business that remains

1 unclaimed by the owner for more than 5 years after becoming payable or
2 distributable is presumed abandoned.

3 (2) ~~In the case of a gift certificate, the amount presumed abandoned is the price~~
4 ~~paid by the purchaser of the gift certificate. In the case of a credit memo, the The~~
5 ~~amount presumed abandoned under sub. (1) is the amount credited to the recipient~~
6 ~~of the credit memo.”.~~

7

(END)

INSER
2-6

INSE 2-6

1 “(2c) DEADLINE FOR FILING 2001 PROPERTY TAX EXEMPTION REPORT.
2 Notwithstanding section 70.11 (intro.) of the statutes, if the owner of property that
3 is exempt under section 70.11 of the statutes filed the report required under section
4 70.11 (intro.) of the statutes no later than December 21, 2001, related to the property
5 tax assessment as of January 1, 2001, the form has the same effect as if it had been
6 filed by March 1, 2001.”.

7 **312.** Page 364, line 6: after that line insert:

8 “(1wy) HIGHWAY REST AREAS. The total amount of any proposed expenditures or
9 encumbrances that the department of transportation does not make in the 2001-03
10 fiscal biennium as a result of the implementation of section 84.04 (4) of the statutes,
11 as created by this act, shall be expended or encumbered by the department in the
12 2001-03 fiscal biennium to reopen previously closed rest areas or to keep open rest
13 areas that are proposed for closure in areas where other rest areas and motorist
14 services described in section 86.195 (3) of the statutes are not available.”.

15 ~~313.~~ Page 364, line 7: after that line insert:

16 “(1f) GRANDFATHER PROVISION; UNCLAIMED GIFT CERTIFICATES. The treatment of
17 sections 177.01 (10) (a) 2. and 177.14 of the statutes does not apply to any property
18 paid or delivered to the state treasurer under section 177.17 (4) (a) 2. of the statutes
19 or section 177.19 (1), 1999 stats., before the effective date of this subsection.”.

20 **314.** Page 365, line 16: after that line insert:

21 “(5m) CONSOLIDATION OF STATE VEHICLE FLEET MAINTENANCE OPERATIONS.
22 (a) On the effective date of this paragraph, the assets and liabilities of the board
23 of regents of the University of Wisconsin System that are primarily related to its
24 vehicle fleet maintenance functions at the University of Wisconsin-Madison, as

To: RJM, PJK,
Gmm, RPN, JTK,
PG, MSJ

March 29, 2002

TO: Cathlene Hanaman, Admin. Services Manager LRB
Bob Lang, Director LFB
FR: Senate Democratic Policy and Budget staff
RE: Modifications to CN's previously submitted

RJM
b2796

CN-3705
They have to redeem their certificates within 2 years (going forward from enactment of the bill 1/1/03)

CN 4004
Require a 3-year moratorium to July 1, 2005 - PJK b2930

CN 4903
Reduce from \$450,000 to \$250,000. Keep reserve language. - Gmm b2909

CN5505
Change to March of 2004, change GPR savings to \$9 million. - RPN b2777

CN5518
Delete provisions of 2nd paragraph of drafting instructions. (see attached) - JTK b2908

CN6406
Change from 5% to 2.5% - PG b2794

CN7602
Exclude tuition grants - MSJ b2912

CN8209
Change from 5% to 2.5% - PG b2862

CN8502
Delete provisions created by paragraphs c and d (see attached)

RJM b2798

4-1-02

Tel Terry Rhodes at Asal Bwem

Intent is to require all gift certificates to
have a ~~minimum~~ term of validity of at least 2 years.

2001 - 2002 LEGISLATURE

LRBb2796/2 3
RJM:kj/f

January 2002 Special Session

D=Note

MCG
KMG
PARK

SCC:.....Engel - CN3705, SA (gift certificates under unclaimed property law)
to SSA1 (JFC sub) to AB1 (budget adjustment bill)

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

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

→ INS. KA-1

2 1. Page 177, line 2: after that line insert:

3 "SECTION 343m. 177.01 (10) (a) 2. of the statutes is amended to read:

4 177.01 (10) (a) 2. Credit balances, customer overpayments, ~~gift certificates,~~
5 security deposits, refunds, credit memos, unpaid wages, unused airline tickets and
6 unidentified remittances.

7 SECTION 343q. 177.14 of the statutes is amended to read:

8 177.14 ~~Gift certificates and credit~~ Credit memos. (1) A ~~gift certificate or~~
9 a- credit memo issued in the ordinary course of the issuer's business that remains

1 unclaimed by the owner for more than 5 years after becoming payable or
2 distributable is presumed abandoned.

3 (2) ~~In the case of a gift certificate, the amount presumed abandoned is the price~~
4 ~~paid by the purchaser of the gift certificate. In the case of a credit memo, the~~ The
5 amount presumed abandoned under sub. (1) is the amount credited to the recipient
6 of the credit memo.”.

7 **2.** Page 364, line 7: after that line insert:

8 “(1f) GRANDFATHER PROVISION; UNCLAIMED GIFT CERTIFICATES. The treatment of
9 sections 177.01 (10) (a) 2. and 177.14 of the statutes does not apply to any property
10 paid or delivered to the state treasurer under section 177.17 (4) (a) 2. of the statutes
11 or section 177.19 (1), 1999 stats., before the effective date of this subsection.”.

12 (END) → KA - 2

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2796/3ins
MGG:

- ✓ 1. Page 155, line 7: after that line insert:

"SECTION 262^{yr}. 100.155 of the statutes is created to read:

100.155 Sale of gift certificates; period of validity. (1) No person engaged in the business of selling goods or services may sell a gift certificate unless the period of validity for the redemption of the gift certificate is at least 2 years.

(2) REMEDIES. (a) The department may commence an action to restrain the violation of this section. The court may, before the entry of final judgment, make such orders or judgments as may be necessary to restore any pecuniary loss suffered by any person because of the violation of this section.

(b) The court may order a person who commits a violation of this section to pay the reasonable and necessary costs of investigation and of prosecution incurred by the department, including attorney fees, related to the violation, notwithstanding s. 814.04 (1)."

KA-1 →

(15)
~~Prohibited~~
Period of validity.

- ✓ 2. Page 434, line 17: after that line insert:

"~~§~~^{ix} GIFT CERTIFICATES. The treatment of section 100.155 of the statutes first applies to gift certificates that are sold on the effective date of this subsection."

Init. app.

- ✓ 3. Page 445, line 5: after that line insert:

~~SECTION ??.~~ **Effective date.**

"~~§~~^{ix} GIFT CERTIFICATES. The treatment of section 100.155 of the statutes takes effect on the first day of the 4th month beginning after publication."

KA-2

effec. date

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

LRBb2796/3dn

MGG:

kmg

Attention: Andy Engel

1. This amendment covers the sale, but not the donation, of gift certificates. OK?
2. I have not specified a penalty for this provision. Therefore, the default penalty for violations of ch. 100 that is specified under s. 100.26 (1) applies. Alternatively, you may wish to use the forfeiture penalty which is the default penalty that applies across the statutes, which is a forfeiture of up to \$200. See s. 939.61. Please review these statutes and let me know if you want any changes.
3. I have created a delayed effective date to allow time for businesses to become aware of this prohibition. Please let me know if you want this effective date eliminated or changed.

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

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

LRBb2796/3dn
MGG:kmg:pg

April 1, 2002

Attention: Andy Engel

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Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2796/3
RJM&MGG:kjf&kmg:pg

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to SSA1 (JFC sub) to AB1 (budget adjustment bill)

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

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

2 1. Page 155, line 7: after that line insert:

3 "SECTION 262r. 100.155 of the statutes is created to read:

4 100.155 Sale of gift certificates; period of validity. (1) PERIOD OF VALIDITY.

5 No person engaged in the business of selling goods or services may sell a gift
6 certificate unless the period of validity for the redemption of the gift certificate is at
7 least 2 years.

8 (2) REMEDIES. (a) The department may commence an action to restrain the
9 violation of this section. The court may, before the entry of final judgment, make such

1 orders or judgments as may be necessary to restore any pecuniary loss suffered by
2 any person because of the violation of this section.

3 (b) The court may order a person who commits a violation of this section to pay
4 the reasonable and necessary costs of investigation and of prosecution incurred by
5 the department, including attorney fees, related to the violation, notwithstanding s.
6 814.04 (1).”

7 **2.** Page 177, line 2: after that line insert:

8 **“SECTION 343m.** 177.01 (10) (a) 2. of the statutes is amended to read:

9 177.01 (10) (a) 2. Credit balances, customer overpayments, ~~gift certificates,~~
10 security deposits, refunds, credit memos, unpaid wages, unused airline tickets and
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1 paid or delivered to the state treasurer under section 177.17 (4) (a) 2. of the statutes
2 or section 177.19 (1), 1999 stats., before the effective date of this subsection.”.

3 **4.** Page 434, line 17: after that line insert:

4 “(1x) GIFT CERTIFICATES. The treatment of section 100.155 of the statutes first
5 applies to gift certificates that are sold on the effective date of this subsection.”.

6 **5.** Page 445, line 5: after that line insert:

7 “(1x) GIFT CERTIFICATES. The treatment of section 100.155 of the statutes takes
8 effect on the first day of the 4th month beginning after publication.”.

9

(END)