

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2289/2dn
RJM:kjf:jf

October 23, 2003

Senator Schultz:

Attached is the bank name protection draft you requested. As you review the draft, please note that this draft would be enforced by the Division of Banking and the Office of Credit Unions. See proposed s. 221.0404 (2), for example. You may want to have DFI review the draft to ensure that enforcement is feasible. In particular, it is unclear how the division would interpret the enforcement provisions in this draft in conjunction with the division's other enforcement powers under s. 220.04 (9) and (10), stats. Also, because any person may violate this draft, the draft could require the agency to exercise jurisdiction outside of its area of expertise. If you are interested in utilizing a different agency for enforcement, you may want to contact the Department of Agriculture, Trade and Consumer Protection, which currently enforces prohibitions with regard to false and deceptive advertising.

Please let me know if you have any questions or desire any changes to the draft.

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