

2005 DRAFTING REQUEST

Bill

Received: **11/10/2004**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Dombrowski**

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

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **State Finance - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Dombrowski, BB0236 -

Topic:

Electronic funds transfers

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>
/?				_____			State
/1	rchampag 11/22/2004	jdye 11/22/2004	chaugen 11/22/2004	_____	mbarman 11/22/2004		

FE Sent For:

LRB-0734

11/22/2004 12:23:36 PM

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FE Sent For:

<END>

RAC

2005-07 Budget Bill Statutory Language Drafting Request

- **Topic: Electronic Funds Transfers**
- Tracking Code: BB0236
- SBO team: OPS
- SBO analyst: Cindy Dombrowski
 - Phone: 266-5878
 - Email: cynthia.dombrowski@doa.state.wi.us
- **Agency acronym: DOA**

Agency number: 505

Add electronic funds transfers to the acceptable payment methods (20.905(1)) and create the ability to assess a fee for those electronic funds transfers that are returned NSF (20.905(2)).

16.412 Agency payments. At the request of any Agencies y, may process payments through the use of the secretary may authorize the processing of specified regular periodic payments through the use of electronic payment money transfer methodstechniques including, without limitation because of enumeration, direct deposit, electronic funds transfer, and automated clearinghouse procedures, wire transfers, and electronic payment cards. - The secretary may authorize an agency to require that all payments made for a program be processed using electronic payment methods.



Jld

Sean

DOA:.....Dombrowski, BB0236 - Electronic funds transfers

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

*-Do not
gen. cat.*

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

STATE FINANCE ✓

The bill provides that payments to the state may be made by electronic funds transfer, unless such a payment method for a state program or activity is specifically prohibited by law. In addition, the bill permits the state to charge a person a fee, set by the Depository Selection Board, who attempts to make a payment to the state by electronic funds transfer but the transfer does not take place because of insufficient funds.

For further information see the *state* 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. 20.905 (1) of the statutes is amended to read: ✓

3 20.905 (1) MANNER OF PAYMENT. Payments to the state may be made in legal
4 tender, postal money order, express money order, bank draft, or certified check.

1 Payments to the state may also be made by personal check or individual check drawn
2 in the ordinary course of business unless otherwise required by individual state
3 agencies. Payments to the state made by a debit or credit card approved by the
4 depository selection board may be accepted by state agencies. Prior to authorizing
5 the use of a card, the depository selection board shall determine how any charges
6 associated with the use of the card shall be paid, unless the method of payment of
7 such charges is specified by law. ^{check} Unless otherwise specifically prohibited by law,
8 payments to the state may be made by [✓]electronic funds transfer.

History: 1971 c. 125; 1975 c. 242; 1977 c. 29; 1981 c. 20; 1985 a. 29; 1987 a. 142; 1989 a. 31.

9 **SECTION 2.** 20.905 (2) of the statutes is amended to read:

10 20.905 (2) PROTESTED PAYMENT. If a personal check tendered to make any
11 payment to the state is not paid by the bank on which it is drawn, if an electronic
12 funds transfer does not take place because of insufficient funds, or if a demand for
13 payment under a debit or credit card transaction is not paid by the bank upon which
14 demand is made, the person by whom the check has been tendered, the person whose
15 funds were to be electronically transferred, [✓] or the person entering into the debit or
16 credit card transaction shall remain liable for the payment of the amount for which
17 the check was tendered, the amount that was to be [✓]electronically transferred, or the
18 amount agreed to be paid by debit or credit card and for all legal penalties, additions
19 and a charge set by the depository selection board which is comparable to charges for
20 unpaid drafts made by establishments in the private sector. In addition, the officer
21 to whom the check was tendered, to whom the electronic funds transfer was
22 promised, [✓] or to whom the debit or credit card was presented may, if there is probable
23 cause to believe that a crime has been committed, provide any information or
24 evidence relating to the crime to the district attorney of the county having

1 jurisdiction over the offense for prosecution as provided by law. If any license has
2 been granted upon any such check, any such[✓] electronic funds transfer, or any such
3 debit or credit card transaction, the license shall be subject to cancellation for the
4 nonpayment of the check, the failure to make the[✓] electronic funds transfer, or failure
5 of the bank to honor the demand for payment authorized by debit or credit card.

6 **History:** 1971 c. 125; 1975 c. 242; 1977 c. 29; 1981 c. 20; 1985 a. 29; 1987 a. 142; 1989 a. 31.

(END)

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

LRB-0734/1dn

RAC: ↑:...

JLD

Cindy Dombrowski:

I went ahead and made the changes to s. 20.905 (1) and (2). ✓ Please advise on the s. 16.412 issue we discussed.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

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

LRB-0734/1dn
RAC:jld:ch

November 22, 2004

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State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0734/1

RAC:jld:ch

DOA:.....Dombrowski, BB0236 - Electronic funds transfers

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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5

(END)