

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0917/P1dn
MDK:lmk:nwn

February 2, 2007

Rep. Wieckert:

This draft makes changes to 2005 LRB-5042/1 set forth in the Legislative Council memo dated November 30, 2006, and the DFI e-mail dated December 18, 2006. Please note the following about this draft:

1. I changed the uniform act's references to "administrator" to the Division of Banking.
2. In proposed s. 218.02 (3) (c) 5. and 6., I created exceptions that refer to providing debt-management services that are incidental to providing the exempted services. I think this accomplishes your intent without using the "intent to evade" language suggested by DFI. Also, I'm concerned about the "intent to evade" language in proposed s. 218.02 (3) (b) 2. Under that exemption, a person is exempt if he or she provides services for free, but not if he or she provided the services for free with the intent of evading application of the bill's requirements. Why should intent matter? And how would one determine whether a person had the requisite intent? Is there a better way to accomplish DFI's purpose?
3. I revised proposed s. 218.02 (8) to refer to s. 19.35 (1) of the open records law.
4. The draft renumbers s. 218.02 (9) and (10) to s. 218.02 (39) and (40). Note that s. 218.02 (9) (b) and (c) refer to "this chapter" instead of to subch. II of ch. 218. Is that okay, or should these provisions go into a new subchapter?

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