

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Richard E. Galecki, Commissioner of Banking and custodian of the official records of said office, do hereby certify that the annexed rule relating to the use of an alias and the use of data processing procedures was duly approved and adopted by this office on the 6th of January, 1988.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the Office of the Commissioner of Banking in the City of Madison this 6th day of January, A.D. 1988.

**RECEIVED**

JAN 6 1988

4:10 pm  
Revisor of Statutes  
Bureau

Richard E. Galecki  
Commissioner of Banking



3-1-88

PROPOSED ORDER OF THE OFFICE OF COMMISSIONER OF BANKING

ADOPTING, AMENDING OR REPEALING RULES

To repeal and recreate Bkg 74.12 relating to the use of an alias and create Bkg 74.15 relating to the use of data processing procedures.

Final Draft Form

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Analysis Prepared by the Office of Commissioner of Banking

The Wisconsin Office of Commissioner of Banking proposes an order to repeal and recreate Bkg 74.12 relating to the use of an alias and creating Bkg 74.15 relating to the use of data processing procedures. The agency's authority to create, repeal, recreate these rules is found in ss. 218.04(7)(d), 220.02(2) and 227.11(2)(a), Stats.

1. Bkg 74.12 is repealed and recreated to permit the use of an approved and registered alias in the collection of claims. The change in the rule is to protect the party collecting claims from potential harassment by a debtor. The requirement that the party making collections identify the agency represented remains in effect. The rule also continues to permit the use of unsigned printed collection notices.

2. Bkg. 74.15 creates new record keeping requirements for collection agencies. It allows them to maintain required records on computer through data processing procedures if such procedures are approved by the office of commissioner of banking and adequate information will be available for review for examination purposes.

CHAPTER BKG 74

COLLECTION AGENCIES

Section 1. Bkg 74.12 is repealed and recreated to read:

Bkg 74.12 USE OF ALIAS. In any oral or written communication with a debtor, any collector, solicitor, licensee, person, employee or agent of a collection agency may use a separate alias. However, any alias shall be registered with and approved by the office of commissioner of banking prior to use. The real name of a person using an alias will be available from the office of commissioner of banking. No collector, solicitor, licensee, person, employee or agent may have more than one alias. No change of alias may be authorized unless good cause is shown. When using an alias, persons shall also identify the agency which they represent using the name under which it is licensed to do business. A licensee may forward printed collection notices to a debtor which are unsigned. Violations of this rule are subject to s. 218.04(5) and (7), Stats.

Section 2. Bkg 74.15 is created to read:

Bkg 74.15 USE OF DATA PROCESSING. The records of licensees may vary if data processing procedures are adopted which will prevent the licensee from maintaining certain records as required in this chapter. Prior to being used the records and procedures shall be submitted to the office of commissioner of banking which may approve of the records to be maintained if adequate information is available for examination purposes.

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(Intro.), Stats.

**FISCAL ESTIMATE WORKSHEET**

1987 Session

Detailed Estimate of Annual Fiscal Effect  
AD-MBA-22(Rev. 10/86)

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Amendment No.

Subject

Relating to the Use of Data Processing Procedures

**I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):**

**II. Annualized Costs:** Note: Treat fiscal costs like a "checkbook": increased costs reduce available funds (-); decreased costs increase available funds (+).

Annualized Costs	Annualized fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
Salaries and Fringes	\$ -	\$ +
Staff Support Costs	-	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
<b>TOTAL State Costs by Category</b>	<b>\$ -</b>	<b>\$ +</b>
<b>B. State Costs by Source of Funds</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
<b>C. FTE Position Changes</b>	<b>Increased Pos.</b> + (      )	<b>Decreased Pos.</b> - (      )
<b>III. State Revenues—Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.</b>	<b>Decreased Rev.</b>	<b>Increased Rev.</b>
GPR Taxes	\$ -	\$ +
GPR Earned	-	+
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
<b>TOTAL State Revenues</b>	<b>\$ -</b>	<b>\$ +</b>

**Net Annualized Fiscal Impact on State & Local Funds**

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+	-	Total Revenues	+	-
<b>NET Impact on State Funds</b>	\$ 0 (+) or (-)		<b>NET Impact on Local Funds</b>	\$ 0 (+) or (-)	

Agency/Prepared by: (Name & Phone No.)  
Jennifer McKenzie (608) 266-1621

Authorized Signature/Telephone No. \_\_\_\_\_ Date \_\_\_\_\_

**FISCAL ESTIMATE WORKSHEET**

1987 Session

Detailed Estimate of Annual Fiscal Effect  
AD-MBA-22(Rev. 10/86)

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Amendment No.

Subject

Relating to the Use of an Alias or Pseudonym

**I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs: Note: Treat fiscal costs like a "checkbook"; increased costs reduce available funds (-); decreased costs increase available funds (+).	Annualized fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
Salaries and Fringes	\$ -	\$ +
Staff Support Costs	-	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
<b>TOTAL State Costs by Category</b>	\$ -	\$ +
<b>B. State Costs by Source of Funds</b>		
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
<b>C. FTE Position Changes</b>	Increased Pos. + ( )	Decreased Pos. - ( )
<b>III. State Revenues-Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.</b>	Decreased Rev.	Increased Rev.
GPR Taxes	\$ -	\$ +
GPR Earned	-	+
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
<b>TOTAL State Revenues</b>	\$ -	\$ +

**Net Annualized Fiscal Impact on State & Local Funds**

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+	-	Total Revenues	+	-
<b>NET Impact on State Funds</b>	\$ 0 (+) or (-)		<b>NET Impact on Local Funds</b>	\$ 0 (+) or (-)	

Agency/Prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

# State of Wisconsin

## Office of Commissioner of Banking

123 West Washington Avenue  
Madison, Wisconsin 53707

Mailing Address  
P.O. Box 7876  
Madison, Wisconsin 53707-7876

(608) 266-1621

January 6, 1988

Tommy G. Thompson  
Governor

Richard E. Galecki  
Commissioner

Senator John Plewa, Co-Chair  
Joint Committee for Review of Administrative Rules  
Room 35 South, State Capitol  
Madison WI 53702

Representative John Antararian, Co-Chair  
Joint Committee for Review of Administrative Rules  
Room 117 West, State Capitol  
Madison WI 53702

Re: Report on Implementation of ss. Bkg 74.12 and 74.15, Wis. Adm. Code,  
Clearing House Rule 87-74, Relating to the Use of an Alias and the  
Use of Data Processing Procedures

Dear Senator Plewa and Representative Antararian:

The rule in final draft form was approved by the Commissioner on November 30, 1987. It was filed with the President of the Senate and the Speaker of the Assembly and, having been waived by both standing committees of the Legislature, was filed with the Secretary of State and the Revisor of Statutes on January 6, 1987. A public hearing was held on the rule on November 16, 1987.

### SUMMARY OF THE RULE

The rule is summarized in the analysis prepared by this office in the final draft form of the rule, a copy of which is attached.

### ENFORCEMENT OF RULE

This rule will be enforced by the Office of Commissioner of Banking. s. Bkg 74.12 is repealed and recreated to permit the use of an approved and registered alias in the collection of claims. The requirement that a party making collections identify the agency represented remains in effect.

s. Bkg 74.15 creates new record keeping requirements for collection agencies. The data processing procedures permitted must be approved by the Office of Commissioner of Banking and the procedures must allow for adequate information to be available for review for examination purposes.

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COMMENTS AND RECOMMENDATIONS ON STATUTORY LANGUAGE

This office presently has no specific recommendations or proposals to amend the statutory language pursuant to which these regulations were promulgated.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Galecki".

Richard E. Galecki  
Commissioner of Banking

REG:LMS:nap

ADMINISTRATIVE RULE QUESTIONNAIRE

CHAIRPERSON

Joint Committee for Review of Administrative Rules  
 State Capitol  
 Madison, Wisconsin 53702

Date of Submittal 1-6-88 Effective Date of Rule \_\_\_\_\_  
 Chapter: Bkg 74.12 & 74.15 Title: Use of an Alias and Use of Data Processing Procedures  
 Initiating Agency Commissioner of Banking  
 Name and Title of individual having primary responsibility for Administrative Rule: Richard E. Galecki, Commissioner

Names of panel or committee members who participated in drafting rule:

- |           |           |
|-----------|-----------|
| (1) _____ | (5) _____ |
| (2) _____ | (6) _____ |
| (3) _____ | (7) _____ |
| (4) _____ | (8) _____ |

Were you contacted by any Lobbyists wishing to influence the rule?

Name		Method		
		Phone	Mail	In Person
(1) Don Rush	Representing Wis.Collectors Assoc.			X-At Hearing
(2)				
(3)				
(4)				

Were you contacted by any non-Lobbyist wishing to influence the rule?

Name	Title	Agency, Organization, Profession
(1) William Eklund	Executive Secretary	Wisconsin Collectors Association
(2)		
(3)		
(4)		

Were you ever contacted by a State Legislator or State employee, acting in the capacity as an attorney representing a client, endeavoring to influence the rule?

Name	Title	Client
(1)		
(2)		
(3)		

Did you submit this rule to review by individuals or organizations concerned with or covered by the rule prior to final draft or public hearing?

YES x NO \_\_\_\_\_

If YES, cite reasons, circumstances and individuals or organizations involved:  
 Advance copies of any rule are available to any interested person prior to the public hearing. In addition to the organizations listed in items 3 & 4 above, advance copies of the hearing draft of these regulations were sent to:  
 A copy of the proposed rule was sent to the Wisconsin Collectors Association for review and comment. Comments were reviewed and no revisions were made as a result. Copies of the rule were sent to any individual who requested it. A list was not maintained.

State of Wisconsin  
Office of Commissioner of Banking

123 West Washington Avenue  
Madison, Wisconsin 53707  
Mailing Address  
P.O. Box 7876  
Madison, Wisconsin 53707-7876

(608) 266-1621

January 6, 1988

Tommy G. Thompson  
Governor

Richard E. Galecki  
Commissioner

Mr. Gary Poulson  
Assistant Revisor of Statutes  
7th. Floor  
30 W. Mifflin  
Madison WI 53703

**RECEIVED**

JAN 6 1988

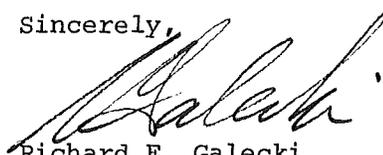
Revisor of Statutes  
Bureau

Re: Clearing House Rule 87-74

Dear Mr. Poulson:

Attached please find a certified copy and one additional copy of this rule for publication in the Administrative Code. The rule was submitted to the Senate and Assembly in final draft form on November 30, 1987. It was waived from the Senate Committee on Aging, Banking, Commercial Credit and Taxation and the Assembly Committee on Financial Institutions and Insurance. Neither Committee took action on the proposed rule.

Sincerely,



Richard E. Galecki  
Commissioner of Banking

REG:LMS:nap  
Enclosure