

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/22/99

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

**Pre Topic:**

SDC:.....Walter - Caucus #3824

**Topic:**

Create a consumer privacy advocate in the department of justice

**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>
/?	nelsorp1 06/22/99	gilfokm 06/25/99		_____			
/1			jfrantze 06/27/99	_____	gretskl 06/27/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/22/99

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

**Pre Topic:**

SDC:.....Walter - Caucus #3824

**Topic:**

Create a consumer privacy advocate in the department of justice

**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>
/?	nelsorp1	1-6-25 KMG	6/27	6/27			

FE Sent For:

<END>

yes

SDC

Agency: Justice

caucus number 2110

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Methamphetamine Initiative. Add two positions in Division of Narcotics Enforcement: One special agent and one planning analyst. Allocate \$73,600 GPR during biennium.

**other notes**

drafting instructions: See above and attached

more instructions:

caucus number 2311

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 2160/2	LRB P-draft:

description: Eliminate the current penalty for the operation of up to 5 video gaming machines and substitute in its place a maximum \$500 civil forfeiture per machine.

**other notes**

drafting instructions: Include LRB 2160/2. (See above)

more instructions:

caucus number 3634

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
FM 341	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: FM 341. Methamphetamine Initiative. Provide \$73,600 GPR (\$16,800 in one-time financing) & 2 GPR positions (1 special agent/1 program) in Div. Of Narcotics Enforcement to begin 1/1/01 to investigate the manufacture and trafficking of methamphetamine.

**other notes**

drafting instructions: FM 341. See above and attached.

more instructions:

caucus number 3824

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 3149/1	LRB P-draft:

description: LRB 3149/1. Create a consumer Privacy Advocate in the Department of Justice.

**other notes**

drafting instructions: Include LRB 3149/1.

more instructions:

Agency: Justice

Number of Amendments: 4

Justice

+

CN 3824

**Justice – Consumer Privacy Advocate**

Creating a consumer Privacy Advocate in the Department of Justice.

GPR \$120,000 annually

\* Funding for position , office & support

JUSTICE-



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3149/1  
RPN:cmh:jf

1999 BILL

1 AN ACT *to amend* 814.245 (2) (d); and *to create* 18.13 (4), 165.06, 165.061 and  
2 165.062 of the statutes; **relating to:** creating a consumer privacy advocate in  
3 the department of justice and making an appropriation.

---

*Analysis by the Legislative Reference Bureau*

This bill creates a consumer privacy advocate in the department of justice. Under the bill, the department of justice is given an additional attorney position and the attorney general is required to designate an assistant attorney general as the consumer privacy advocate. The advocate, under the bill, is required to represent the consumer's interest in issues concerning consumer privacy, such as the purchase of products on the Internet and the prevention of theft of a consumer's personal identification information. The advocate may intervene in civil actions related to information technology services provided by the state, misappropriation of personal identifying information, data alteration, financial card misuse and computer program and data misuse, if necessary to protect the consumer's right to privacy. The bill requires the department of administration to make investigations, studies and reports at the advocate's request related to these proceedings. Other state agencies are required by the bill to cooperate with the advocate in carrying out his or her functions.

The bill gives the consumer privacy advocate the authority to appeal from administrative rulings to the courts. In addition, the advocate may initiate actions before any agency or court related to consumer privacy issues and may present evidence and make arguments in those actions. The bill requires the attorney

**BILL**

1 1.0 GPR attorney position on the effective date of this subsection for the purposes of  
2 the consumer privacy advocate.

3 ~~SECTION 7 Effective date.~~

4 (1) ~~This act~~ takes effect on July 1, 1999, or on the day after publication,  
5 whichever is later.

6

(END)

1999

Date (time) needed \_\_\_\_\_

LRB b 0869 1/1  
RPN: kmj/cmh

CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS] SPC

See form AMENDMENTS — COMPONENTS & ITEMS.

CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 1999 ASSEMBLY BILL 133

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

✓ #. Page 65, line 9: after that line insert:

\* → \$ INCL/DEC Insert KA → (Insert 65-9)

✓ #. Page 1174, line 2: after that line insert:

(Insert 1174-2) ✓

✓ #. Page 1426, line 20: after that line insert:

(Insert 1426-20) ✓

#. Page ..., line ...:

(End)

#. Page ..., line ...:

#. Page ..., line ...:

1999

AMENDMENTS

LRB 086411  
PPH: : :

\$\$\$ INCREASE/DECREASE *Insert KA*

In the component bar, for a "regular" amendment item:  
For the item text, execute: ..... create → item: → m: → \$inc-dec

#. Page 218, line 3: in(de)crease the dollar amount for fiscal year 1999-00 by \$ . . . . ., 120,000. . . and in(de)crease the dollar amount for fiscal year 2000-01 by \$ . . . . ., 120,000. . . to . . .crease funding for the [purpose] [purposes] for which the appropriation is made] [to . . .crease funding for . . . . .  
*to increase the authorized FTE positions of the Department of Justice by 1.0 GPR attorney position.*

#. Page . . . . ., line . . . . .: in(de)crease the dollar amount for fiscal year 1999-00 by \$ . . . . . and in(de)crease the dollar amount for fiscal year 2000-01 by \$ . . . . . [to . . .crease funding for the [purpose] [purposes] for which the appropriation is made] [to . . .crease funding for . . .the . . .purpose of creating a consumer . . .privacy advocate in the department #0

In the component bar, for a "frozen" amendment item (used in amendments to amendments):  
For the item text, execute: ..... create → item: → afterline [or the applicable item]  
For the "frozen" item text, execute: . create → item: → frz: → m: → \$inc-dec

#. Page . . . . ., line . . . . .: . . . . .  
Page . . . . ., line . . . . .: in(de)crease the dollar amount for fiscal year 1999-00 by \$ . . . . . and in(de)crease the dollar amount for fiscal year 2000-01 by \$ . . . . . [to . . .crease funding for the [purpose] [purposes] for which the appropriation is made] [to . . .crease funding for . . . . . ]\*.

\* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.



**BILL**

INSERTS

general to appoint a consumer privacy advisory committee to advise the consumer privacy advocate regarding his or her duties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

insert  
65-9

1 " SECTION <sup>1214</sup> 1. 18.13 (4) of the statutes is created to read:

2 18.13 (4) CONSUMER PRIVACY ADVOCATE. Notwithstanding s. 165.061, the  
3 consumer privacy advocate does not have authority to initiate any action or  
4 proceeding concerning the issuance of obligations by the building commission under  
5 this chapter. "

insert  
1174-2

6 " SECTION <sup>2287-9</sup> 2. 165.06 of the statutes is created to read:

7 **165.06 Assistant attorney general — consumer privacy advocate. (1)**

8 The attorney general shall designate an assistant attorney general on the attorney  
9 general's staff as the consumer privacy advocate. The consumer privacy advocate  
10 shall represent the consumers' interests in issues concerning consumer privacy,  
11 including the purchase of products on the Internet and the prevention of theft of the  
12 consumer's personal identifying information. The secretary of administration shall  
13 give the consumer privacy advocate written notices of all proceedings under subch.  
14 VII of ch. 16. The prosecutor of any action under s. 943.201, 943.392, 943.41 or 943.70  
15 shall give the consumer privacy advocate written notices of all proceedings under  
16 those sections. The consumer privacy advocate shall be provided the minutes,  
17 reports, recommendations and any documents provided by or to the joint committee  
18 on information policy and the standing committees of the assembly and senate  
19 dealing with privacy matters. Annually, the consumer privacy advocate shall report  
20 to the appropriate standing committees of the assembly and senate on the status of  
21 consumer privacy in this state.

**BILL**

INSERT 1174-2 CONT

1 (2) The consumer privacy advocate may, on his or her own initiative or upon  
 2 request of any committee of the legislature, formally intervene in all civil  
 3 proceedings described in sub. (1) whenever such intervention is needed for the  
 4 protection of consumers' rights to privacy, including the restriction of access to the  
 5 consumer's personal identifying information and the prevention of fraudulent use of  
 6 the consumer's personal identifying information on the Internet.

7 (3) Personnel of the department of administration shall, upon the request of  
 8 the consumer privacy advocate, make such investigations, studies and reports as the  
 9 ~~consumer~~ <sup>advocate</sup> may request in connection with proceedings described in sub. (1), either  
 10 before or after formal intervention. Personnel of state agencies shall, at the  
 11 consumer privacy advocate's request, provide information, serve as witnesses in civil  
 12 proceedings described in sub. (1) and otherwise cooperate in the carrying out of the  
 13 consumer privacy advocate's functions. Formal intervention shall be by filing a  
 14 statement to that effect with the examiner or other person immediately in charge of  
 15 the proceeding. Upon filing the statement, the consumer privacy advocate shall be  
 16 considered a party in interest with full power to present evidence, subpoena and  
 17 cross-examine witnesses, submit proof, file briefs or do any other acts appropriate  
 18 for a party to the proceedings.

19 (4) The consumer privacy advocate may appeal from administrative rulings to  
 20 the courts. In all administrative proceedings and judicial review proceedings the  
 21 consumer privacy advocate shall be identified as "consumer privacy advocate". This  
 22 section does not preclude or prevent any division of any department or independent  
 23 agency from appearing by its staff as a party in those proceedings.

24 SECTION 2. 165.061 of the statutes is created to read:

2287j

**BILL**

*Insert 1174-2 cont.*

1           **165.061 Assistant attorney general; consumer privacy advocate;**  
 2 **authority.** In carrying out his or her duty to protect the consumers' right to privacy,  
 3 the consumer privacy advocate has the authority to initiate actions and proceedings  
 4 before any agency or court related to consumer privacy, including issues concerning  
 5 constitutionality, to present evidence and testimony and to make arguments.

*2289m*

6           **SECTION 4.** 165.062 of the statutes is created to read:

7           **165.062 Assistant attorney general; consumer privacy advocate;**  
 8 **advisory committee.** The attorney general shall appoint a consumer privacy  
 9 advisory committee under s. 15.04 (1)(c). The consumer privacy advisory committee  
 10 shall consist of not less than 7 nor more than 9 members. The members shall have  
 11 backgrounds in or demonstrated experience or records relating to privacy protection,  
 12 record security or information technology. The consumer privacy advisory  
 13 committee shall advise the consumer privacy advocate consistent with his or her  
 14 duty to protect the consumers' right to privacy. The consumer privacy advisory  
 15 committee shall conduct meetings consistent with subch. V of ch. 19 and shall permit  
 16 public participation and public comment on consumer privacy advocate activities.

*3089m*

17           **SECTION 5.** 814.245 (2) (d) of the statutes is amended to read:

18           814.245 (2) (d) "State agency" does not include the consumer privacy advocate  
 19 or citizens utility board.

*Insert 1426-20*

20           **SECTION 6. Appropriation changes.**

21           (1) DEPARTMENT OF JUSTICE. In the schedule under section 20.005 (3) of the  
 22 statutes for the appropriation to the department of justice under section 20.455 (1)  
 23 (a) of the statutes, as affected by the acts of 1999, the dollar amount is increased by  
 24 \$120,700 for fiscal year 1999-00 and the dollar amount is increased by \$120,700 for  
 25 fiscal year 2000-01 to increase the authorized FTE positions for the department by



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0864/1  
RPN:kmg&cmh:jf

SDC:.....Walter - Caucus #3824 Create a consumer privacy advocate in the  
department of justice

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

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

2 **1.** Page 65, line 9: after that line insert:

3 **"SECTION 121u.** 18.13 (4) of the statutes is created to read:

4 18.13 (4) CONSUMER PRIVACY ADVOCATE. Notwithstanding s. 165.061, the  
5 consumer privacy advocate does not have authority to initiate any action or  
6 proceeding concerning the issuance of obligations by the building commission under  
7 this chapter."

8 **2.** Page 218, line 3: increase the dollar amount for fiscal year 1999-00 by  
9 \$120,000 and increase the dollar amount for fiscal year 2000-01 by \$120,000 to  
10 increase the authorized FTE positions of the department of justice by 1.0 GPR

1 attorney position for the purpose of creating a consumer privacy advocate in the  
2 department.

3 **3.** Page 1174, line 2: after that line insert:

4 **“SECTION 2287g.** 165.06 of the statutes is created to read:

5 **165.06 Assistant attorney general — consumer privacy advocate. (1)**

6 The attorney general shall designate an assistant attorney general on the attorney  
7 general’s staff as the consumer privacy advocate. The consumer privacy advocate  
8 shall represent the consumers’ interests in issues concerning consumer privacy,  
9 including the purchase of products on the Internet and the prevention of theft of the  
10 consumer’s personal identifying information. The secretary of administration shall  
11 give the consumer privacy advocate written notices of all proceedings under subch.  
12 VII of ch. 16. The prosecutor of any action under s. 943.201, 943.392, 943.41 or 943.70  
13 shall give the consumer privacy advocate written notices of all proceedings under  
14 those sections. The consumer privacy advocate shall be provided the minutes,  
15 reports, recommendations and any documents provided by or to the joint committee  
16 on information policy and the standing committees of the assembly and senate  
17 dealing with privacy matters. Annually, the consumer privacy advocate shall report  
18 to the appropriate standing committees of the assembly and senate on the status of  
19 consumer privacy in this state.

20 **(2)** The consumer privacy advocate may, on his or her own initiative or upon  
21 request of any committee of the legislature, formally intervene in all civil  
22 proceedings described in sub. (1) whenever such intervention is needed for the  
23 protection of consumers’ rights to privacy, including the restriction of access to the

1 consumer's personal identifying information and the prevention of fraudulent use of  
2 the consumer's personal identifying information on the Internet.

3 (3) Personnel of the department of administration shall, upon the request of  
4 the consumer privacy advocate, make such investigations, studies and reports as the  
5 advocate may request in connection with proceedings described in sub. (1), either  
6 before or after formal intervention. Personnel of state agencies shall, at the  
7 consumer privacy advocate's request, provide information, serve as witnesses in civil  
8 proceedings described in sub. (1) and otherwise cooperate in the carrying out of the  
9 consumer privacy advocate's functions. Formal intervention shall be by filing a  
10 statement to that effect with the examiner or other person immediately in charge of  
11 the proceeding. Upon filing the statement, the consumer privacy advocate shall be  
12 considered a party in interest with full power to present evidence, subpoena and  
13 cross-examine witnesses, submit proof, file briefs or do any other acts appropriate  
14 for a party to the proceedings.

15 (4) The consumer privacy advocate may appeal from administrative rulings to  
16 the courts. In all administrative proceedings and judicial review proceedings the  
17 consumer privacy advocate shall be identified as "consumer privacy advocate". This  
18 section does not preclude or prevent any division of any department or independent  
19 agency from appearing by its staff as a party in those proceedings.

20 **SECTION 2287j.** 165.061 of the statutes is created to read:

21 **165.061 Assistant attorney general; consumer privacy advocate;**  
22 **authority.** In carrying out his or her duty to protect the consumers' right to privacy,  
23 the consumer privacy advocate has the authority to initiate actions and proceedings  
24 before any agency or court related to consumer privacy, including issues concerning  
25 constitutionality, to present evidence and testimony and to make arguments.

1           **SECTION 2287m.** 165.062 of the statutes is created to read:

2           **165.062 Assistant attorney general; consumer privacy advocate;**  
3           **advisory committee.** The attorney general shall appoint a consumer privacy  
4           advisory committee under s. 15.04 (1) (c). The consumer privacy advisory committee  
5           shall consist of not less than 7 nor more than 9 members. The members shall have  
6           backgrounds in or demonstrated experience or records relating to privacy protection,  
7           record security or information technology. The consumer privacy advisory  
8           committee shall advise the consumer privacy advocate consistent with his or her  
9           duty to protect the consumers' right to privacy. The consumer privacy advisory  
10          committee shall conduct meetings consistent with subch. V of ch. 19 and shall permit  
11          public participation and public comment on consumer privacy advocate activities.”.

12          **4.** Page 1426, line 20: after that line insert:

13          **“SECTION 3089m.** 814.245 (2) (d) of the statutes is amended to read:

14          814.245 (2) (d) “State agency” does not include the consumer privacy advocate  
15          or citizens utility board.”.

16                                 **(END)**