

**ASSEMBLY AMENDMENT 125,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representative SCHNEIDER.

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

2 **1.** Page 7, line 4: after that line insert:

3 “**SECTION 97m.** 13.0991 of the statutes is created to read:

4 **13.0991 Privacy impact statements. (1)** In this section:

5 (a) “Authority” means a body created under ch. 231, 232, 233, 234, 235, or 237.

6 (b) “Impact upon personal privacy” means that a bill would do one or more of
7 the following:

8 1. Provide for the creation of additional personally identifiable information
9 that is not readily available to the public at the time the bill is introduced.

10 2. Create an activity that would constitute an intrusion upon the privacy of an
11 individual, or alter an activity in such a way as to create such an intrusion.

1 3. Use the name, picture, or likeness of an individual without the consent of the
2 individual, or the consent of the individual's parent or guardian if the individual is
3 a minor.

4 4. Permit or cause publicity to be given to the private life of an individual.

5 (c) "Personally identifiable information" has the meaning given under s. 19.62
6 (5).

7 (d) "State agency" means an office, department, independent agency,
8 institution of higher education, association, society, or other body in state
9 government created or authorized to be created by the constitution or any law, which
10 is entitled to expend moneys appropriated by law, including the legislature and the
11 courts, but not including an authority.

12 **(2)** (a) Whenever a bill is introduced in either house of the legislature that
13 would have an impact upon personal privacy, the legislative reference bureau shall
14 promptly transmit a copy of the bill to the department of administration.

15 (b) Either house of the legislature may, under rules of that house or joint rules
16 of the legislature, request the department of administration to order the preparation
17 of a privacy impact statement with respect to any bill before that house, either in its
18 original form or as affected by one or more amendments. If a house so requests, the
19 chief clerk of that house shall thereupon transmit a copy of that bill and any affected
20 amendments to the department of administration.

21 **(3)** Upon receipt of a bill under sub. (2), the department of administration shall
22 direct one or more state agencies or authorities to prepare a privacy impact
23 statement with respect to that bill. Each privacy impact statement shall describe the
24 impact upon personal privacy that would result from enactment of the bill and
25 analyze the desirability of that impact from the standpoint of public policy.

1 **(4)** Each state agency or authority receiving a bill under sub. (3) shall provide
2 the statement required under sub. (3) to the department of administration within 15
3 days after the department’s directive.

4 **(5)** Upon receiving a privacy impact statement under sub. (4), the department
5 of administration shall provide one copy to the legislative reference bureau, one copy
6 to the principal author of the bill, and one copy to the chief clerk of the house of the
7 legislature in which the bill originated. The chief clerk shall thereupon distribute
8 the statement in the same manner as amendments to the bill are distributed.

9 **(6)** Whenever a bill requires preparation of a privacy impact statement under
10 this section, the legislative reference bureau shall include a notation to that effect
11 on the jacket of the bill when the jacket is prepared. If the preparation of a privacy
12 impact statement is requested by a house of the legislature, the chief clerk of that
13 house shall include a notation to that effect on the jacket of the bill.

14 **(7)** Whenever a privacy impact statement is required or requested for any bill
15 under this section, a standing committee to which the bill is referred may not hold
16 a public hearing on the bill or report the bill until the statement is received by the
17 chief clerk of the house in which the bill originated.”.

18 **2.** Page 93, line 9: after that line insert:

19 “**SECTION 383m.** 19.36 (10) of the statutes is created to read:

20 19.36 **(10)** SOCIAL SECURITY ACCOUNT NUMBERS. (a) Except as provided in par.
21 (b), if a new record containing a social security account number of an individual,
22 together with information revealing the identity of that individual, is kept by an
23 authority after December 31, 2002, or if a record in the custody of an authority is
24 modified to insert the social security account number of an individual after December

1 31, 2002, and the record contains information revealing the identity of that
2 individual, the authority shall delete the social security account number before
3 permitting access to the record, unless the requester is specifically authorized by
4 federal or state law to have access to the social security account number.

5 (b) Unless otherwise provided by federal or state law, including common law
6 principles, a requester may have access to a record containing the social security
7 account number of an individual if any of the following applies:

8 1. The requester is an individual and the record pertains to that requester
9 alone, to the marital or parental rights or responsibilities of that requester and his
10 or her spouse or former spouse, to property of that requester held jointly or in
11 common tenancy with one or more other individuals, or to a civil legal action or
12 proceeding in which the requester is a specifically named party, and the requester
13 provides appropriate identification to the custodian.

14 2. The requester is an authorized representative of an insurer or an
15 organization that performs investigations for insurers and the social security
16 account number is relevant to an investigation of suspected, anticipated, or actual
17 insurance fraud.

18 **SECTION 383n.** 19.37 (4) of the statutes is renumbered 19.37 (4) (a).

19 **SECTION 383o.** 19.37 (4) (b) and (c) of the statutes are created to read:

20 19.37 (4) (b) If any person misrepresents his or her identity for the purpose of
21 obtaining access to the social security account number of another individual under
22 s. 19.36 (10) (b) 1., the person may be required to forfeit not more than \$1,000 for each
23 social security account number obtained by the person by means of such
24 misrepresentation.

1 (c) If an insurer or other person obtains a social security account number under
2 s. 19.36 (10) (b) 2. and uses that number for purposes other than an investigation as
3 provided in s. 19.36 (10) (b) 2., the person may be required to forfeit not more than
4 \$1,000 for each social security account number used by the person for such
5 unauthorized purposes.”.

6 **3.** Page 514, line 6: after that line insert:

7 “**SECTION 1349rm.** 36.11 (35) (title) of the statutes is renumbered 36.32 (title).

8 **SECTION 1349rn.** 36.11 (35) of the statutes is renumbered 36.32 (2) and
9 amended to read:

10 36.32 (2) ~~The board~~ An institution of higher education may assign to each
11 student enrolled in the system institution a unique identification number. ~~The board~~
12 An institution of higher education shall not assign to any student an identification
13 number that is identical to or incorporates the student’s social security number. This
14 subsection does not prohibit ~~the board~~ an institution of higher education from
15 requiring a student to disclose his or her social security number, nor from using a
16 student’s social security number if such use is required by a federal or state agency
17 or private organization in order for the system or the student to participate in a
18 particular program.”.

19 **4.** Page 519, line 12: after that line insert:

20 “**SECTION 1362m.** 36.32 (1) of the statutes is created to read:

21 36.32 (1) In this section, “institution of higher education” means an institution
22 within the system, or a private educational institution located in this state that
23 awards a bachelor’s or higher degree or provides a program that is acceptable toward
24 such a degree.

1 **SECTION 1362n.** 36.38 of the statutes is created to read:

2 **36.38 Policy on privacy in athletic locker rooms.** Each institution and
3 college campus shall adopt a written policy on who may enter and remain, to
4 interview or seek information from any person, in a locker room being used by an
5 athletic team representing the institution or college campus. The policy shall reflect
6 the privacy interests of members of athletic teams representing the institution or
7 college campus.”.

8 **5.** Page 520, line 9: after that line insert:

9 **“SECTION 1370m.** 38.12 (12) of the statutes is created to read:

10 **38.12 (12) POLICY ON PRIVACY IN ATHLETIC LOCKER ROOMS.** The district board shall
11 adopt a written policy on who may enter and remain, to interview or seek information
12 from any person, in a locker room being used by an athletic team representing the
13 district. The policy shall reflect the privacy interests of members of athletic teams
14 representing the district.”.

15 **6.** Page 524, line 3: after that line insert:

16 **“SECTION 1384m.** 39.50 of the statutes is created to read:

17 **39.50 Policy on privacy in athletic locker rooms. (1)** In this section,
18 “institution of higher education” means a private educational institution that
19 awards a bachelor’s or higher degree or provides a program that is acceptable for
20 credit toward such a degree, and that fields an athletic team that represents the
21 institution.

22 **(2)** Each institution of higher education shall adopt a written policy on who
23 may enter and remain, to interview or seek information from any person, in a locker
24 room being used by an athletic team representing the institution. The policy shall

1 reflect the privacy interests of members of athletic teams representing the
2 institution.”.

3 **7.** Page 660, line 5: after that line insert:

4 “**SECTION 1994m.** 59.20 (3) (d) of the statutes is amended to read:

5 59.20 **(3)** (d) Any register of deeds who in good faith makes an erroneous
6 determination as to the accessibility of a portion of a record, to members of the public
7 under s. 19.36 (6), is not subject to any penalty for denial of access to the record under
8 s. 19.37 (4) (a).”.

9 **8.** Page 728, line 20: delete “and (3s)” and substitute “(3s), and (5s)”.

10 **9.** Page 735, line 20: after that line insert:

11 “**SECTION 2148m.** 71.07 (5s) of the statutes is created to read:

12 71.07 **(5s)** INFORMATION TECHNOLOGY TRAINING CREDIT. (a) In this subsection:

13 1. “Claimant” means an individual, a sole proprietor, a partner, a member of
14 a limited liability company, or a shareholder of a tax–option corporation who files a
15 claim under this subsection.

16 2. “Information technology” has the meaning given in s. 16.97 (6).

17 3. “Information technology training” means training in information technology
18 that also includes training in privacy rights and information policy.

19 4. “Qualified institution” means any university, college, technical college, or
20 school approved under s. 45.54.

21 (b) Subject to the limitations provided in this subsection, a claimant may claim
22 as a credit against the tax imposed under s. 71.02, up to the amount of those taxes,
23 an amount equal to 50% of the amount that the claimant paid during the taxable year

1 for the claimant or the claimant's spouse, dependent, or employee to receive
2 information technology training at a qualified institution.

3 (c) The amount of the credit for each claimant under this subsection shall not
4 exceed \$2,500 in a taxable year for each individual for whom the claimant pays an
5 amount as provided in par. (b).

6 (d) A claimant who receives a credit under par. (b) shall add to the claimant's
7 liability for taxes imposed under s. 71.02 an amount that is equal to the total amount
8 of the credits received under par. (b), if any of the following occur:

9 1. The individual who received the training as specified under par. (b) is not
10 employed in this state in an occupation related to information technology within one
11 year after the individual completes the training.

12 2. The individual who received the training as specified under par. (b) is
13 employed in this state in an occupation related to information technology for less
14 than one year.

15 (e) A claimant may not claim the credit under par. (b) for any amounts that the
16 claimant excluded under s. 71.05 (6) (b) 28. or under section 127 of the Internal
17 Revenue Code.

18 (f) The carry-over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit
19 under s. 71.28 (4), apply to the credit under this subsection.

20 (g) Partnerships, limited liability companies, and tax-option corporations may
21 not claim the credit under this subsection, but the eligibility for, and the amount of,
22 the credit are based on their payment of the amount under par. (b). A partnership,
23 limited liability company, or tax-option corporation shall compute the amount of
24 credit that each of its partners, members, or shareholders may claim and shall
25 provide that information to each of them. Partners, members of limited liability

1 companies, and shareholders of tax-option corporations may claim the credit in
2 proportion to their ownership interest.

3 (h) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),
4 applies to the credit under this subsection.”.

5 **10.** Page 738, line 6: after that line insert:

6 “**SECTION 2153d.** 71.10 (4) (gv) of the statutes is created to read:

7 71.10 (4) (gv) Information technology training credit under s. 71.07 (5s).”.

8 **11.** Page 741, line 22: delete “and (3s)” and substitute “(3s), and (5s)”.

9 **12.** Page 769, line 1: delete “and (3g) (1dx)” and substitute “(1dx), (3g), and
10 (5s)”.

11 **13.** Page 798, line 22: after that line insert:

12 “**SECTION 2179m.** 71.28 (5s) of the statutes is created to read:

13 71.28 (5s) INFORMATION TECHNOLOGY TRAINING CREDIT. (a) In this subsection:

14 1. “Claimant” means a corporation that files a claim under this subsection.

15 2. “Information technology” has the meaning given in s. 16.97 (6).

16 3. “Information technology training” means training in information technology
17 that also includes training in privacy rights and information policy.

18 4. “Qualified institution” means any university, college, technical college, or
19 school approved under s. 45.54.

20 (b) Subject to the limitations provided in this subsection, a claimant may claim
21 as a credit against the tax imposed under s. 71.23 an amount equal to 50% of the
22 amount that the claimant paid during the taxable year for an employee to receive
23 information technology training at a qualified institution.

1 (c) The amount of the credit for each claimant under this subsection shall not
2 exceed \$2,500 in a taxable year for each employee for whom the claimant pays an
3 amount as provided in par. (b).

4 (d) A claimant who receives a credit under par. (b) shall add to the claimant's
5 liability for taxes imposed under s. 71.23 an amount that is equal to the total amount
6 of the credits received under par. (b), if any of the following occur:

7 1. The employee who received the training as specified under par. (b) is not
8 employed in this state in an occupation related to information technology within one
9 year after the employee completes the training.

10 2. The employee who received the training as specified under par. (b) is
11 employed in this state in an occupation related to information technology for less
12 than one year.

13 (e) A claimant may not claim the credit under par. (b) for any amounts that the
14 claimant has excluded under section 127 of the Internal Revenue Code.

15 (f) The carry-over provisions of sub. (4) (e) and (f), as they apply to the credit
16 under sub. (4), apply to the credit under this subsection.

17 (g) Partnerships, limited liability companies, and tax-option corporations may
18 not claim the credit under this subsection, but the eligibility for, and the amount of,
19 the credit are based on their payment of the amount under par. (b). A partnership,
20 limited liability company, or tax-option corporation shall compute the amount of
21 credit that each of its partners, members, or shareholders may claim and shall
22 provide that information to each of them. Partners, members of limited liability
23 companies, and shareholders of tax-option corporations may claim the credit in
24 proportion to their ownership interest.

1 (h) Subsection (4) (g) and (h), as it applies to the credit under sub. (4), applies
2 to the credit under this subsection.”.

3 **14.** Page 799, line 2: after that line insert:

4 “**SECTION 2181m.** 71.30 (3) (eop) of the statutes is created to read:

5 71.30 (3) (eop) Information technology training credit under s. 71.28 (5s).”.

6 **15.** Page 799, line 6: delete “and (3g)” and substitute “(3g), and (5s)”.

7 **16.** Page 821, line 17: after that line insert:

8 “**SECTION 2184g.** 71.45 (2) (a) 10. of the statutes is amended to read:

9 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit
10 computed under s. 71.47 (1dd) to (1dx) and (5s) and not passed through by a
11 partnership, limited liability company or tax–option corporation that has added that
12 amount to the partnership’s, limited liability company’s or tax–option corporation’s
13 income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under
14 s. 71.47 (1), (3), (4) and (5).”.

15 **17.** Page 831, line 18: after that line insert:

16 “**SECTION 2193m.** 71.47 (5s) of the statutes is created to read:

17 71.47 (5s) INFORMATION TECHNOLOGY TRAINING CREDIT. (a) In this subsection:

18 1. “Claimant” means a corporation that files a claim under this subsection.

19 2. “Information technology” has the meaning given in s. 16.97 (6).

20 3. “Information technology training” means training in information technology
21 that also includes training in privacy rights and information policy.

22 4. “Qualified institution” means any university, college, technical college, or
23 school approved under s. 45.54.

1 (b) Subject to the limitations provided in this subsection, a claimant may claim
2 as a credit against the tax imposed under s. 71.43 an amount equal to 50% of the
3 amount that the claimant paid during the taxable year for an employee to receive
4 information technology training at a qualified institution.

5 (c) The amount of the credit for each claimant under this subsection shall not
6 exceed \$2,500 in a taxable year for each employee for whom the claimant pays an
7 amount as provided in par. (b).

8 (d) A claimant who receives a credit under par. (b) shall add to the claimant's
9 liability for taxes imposed under s. 71.43 an amount that is equal to the total amount
10 of the credits received under par. (b), if any of the following occur:

11 1. The employee who received the training as specified under par. (b) is not
12 employed in this state in an occupation related to information technology within one
13 year after the employee completes the training.

14 2. The employee who received the training as specified under par. (b) is
15 employed in this state in an occupation related to information technology for less
16 than one year.

17 (e) A claimant may not claim the credit under par. (b) for any amounts that the
18 claimant has excluded under section 127 of the Internal Revenue Code.

19 (f) The carry-over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit
20 under s. 71.28 (4), apply to the credit under this subsection.

21 (g) Partnerships, limited liability companies, and tax-option corporations may
22 not claim the credit under this subsection, but the eligibility for, and the amount of,
23 the credit are based on their payment of the amount under par. (b). A partnership,
24 limited liability company, or tax-option corporation shall compute the amount of
25 credit that each of its partners, members, or shareholders may claim and shall

1 provide that information to each of them. Partners, members of limited liability
2 companies, and shareholders of tax-option corporations may claim the credit in
3 proportion to their ownership interest.

4 (h) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),
5 applies to the credit under this subsection.”.

6 **18.** Page 831, line 23: after that line insert:

7 “**SECTION 2195m.** 71.49 (1) (eop) of the statutes is created to read:

8 71.49 (1) (eop) Information technology training credit under s. 71.47 (5s).”.

9 **19.** Page 849, line 13: delete “and (3g), and (3s)” and substitute “(3g), (3s), and
10 (5s)”.

11 **20.** Page 890, line 16: after that line insert:

12 “**SECTION 2429c.** 100.264 (2) (intro.) of the statutes is amended to read:

13 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
14 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,
15 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 or
16 a rule promulgated under one of those sections, the person shall be subject to a
17 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the
18 defendant, for which the violation was imposed, was perpetrated against an elderly
19 person or disabled person and if the court finds that any of the following factors is
20 present:”.

21 **21.** Page 890, line 25: after that line insert:

22 “**SECTION 2446m.** 100.52 of the statutes is created to read:

23 **100.52 Telephone solicitations. (1) DEFINITIONS.** In this section:

1 (a) “Automatic telephone dialing system” means equipment that has the
2 capacity to store or produce telephone numbers that are called using a random or
3 sequential number generator and to call such telephone numbers.

4 (b) “Basic local exchange service” has the meaning in s. 196.01 (1g).

5 (c) “Blocking service” means a service that allows a person who makes a
6 telephone call to withhold his or her telephone number or name from a person who
7 receives the telephone call and who uses a caller identification service.

8 (d) “Caller identification service” means a service that allows a person who
9 receives a telephone call to identify the telephone number or name of the person
10 making the telephone call.

11 (e) “Residential customer” means an individual who is furnished with basic
12 local exchange service by a telecommunications utility.

13 (f) “Telecommunications utility” has the meaning given in s. 196.01 (10).

14 (g) “Telephone directory” means the telephone directory distributed to the
15 general public by a telecommunications utility that furnishes basic local exchange
16 service to a residential customer.

17 **(2) DIRECTORY LISTING.** (a) Upon a request by a residential customer, a
18 telecommunications utility furnishing basic local exchange service to the residential
19 customer shall include in its telephone directory a listing or symbol indicating that
20 the residential customer does not want to receive any telephone solicitation.

21 (b) A telecommunications utility may impose a onetime charge applicable to a
22 change in a telephone directory for a listing or symbol requested under par. (a). A
23 charge under this paragraph may not exceed the cost incurred by a
24 telecommunications utility in making a change to a telephone directory. Upon a
25 complaint filed by residential customer, the department may investigate whether a

1 charge by a telecommunications utility violates this paragraph and may order a
2 telecommunications utility to impose a charge that complies with this paragraph.

3 (c) A person may not make a telephone solicitation to a residential customer
4 if a telephone directory in effect at the time of the telephone solicitation includes a
5 listing or symbol indicating that the residential customer does not want to receive
6 any telephone solicitation.

7 **(3) AUTOMATIC DIALING.** No person may, in making a telephone solicitation, use
8 an automatic telephone dialing system in such a way that 2 or more telephone lines
9 are engaged simultaneously.

10 **(4) BLOCKING SERVICES.** No person may use a blocking service when making a
11 telephone solicitation.

12 **(6) ENFORCEMENT.** The department shall investigate violations of this section
13 and may bring an action for temporary or permanent injunctive or other relief for any
14 violation of this section.

15 **(7) PENALTIES.** (a) Except as provided in par. (b), a person who violates this
16 section may be required to forfeit not more than \$500.

17 (b) A person who violates sub. (2) (c) may be required to forfeit not more than
18 \$10,000.

19 **(8) TERRITORIAL APPLICATION.** This section applies to any interstate telephone
20 solicitation received by a person in this state and any intrastate telephone
21 solicitation.”.

22 **22.** Page 920, line 19: after that line insert:

23 “SECTION 2721m. 118.395 of the statutes is created to read:

1 **118.395 Policy on privacy in athletic locker rooms.** Each school board,
2 and the governing body of each private school that fields an athletic team
3 representing the school, shall adopt a written policy on who may enter and remain,
4 to interview or seek information from any person, in a locker room being used by an
5 athletic team representing the private school or representing a public school in the
6 school district. The policy shall reflect the privacy interests of members of athletic
7 teams representing the school.”.

8 **23.** Page 940, line 4: after that line insert:

9 “**SECTION 2826e.** 134.72 (title) of the statutes is amended to read:

10 **134.72 (title) Prohibition of certain unsolicited messages by telephone**
11 **or facsimile machine.**

12 **SECTION 2826f.** 134.72 (1) (c) of the statutes is renumbered 100.52 (1) (h).

13 **SECTION 2826g.** 134.72 (2) (a) of the statutes is renumbered 100.52 (5).

14 **SECTION 2826h.** 134.72 (2) (b) (title) of the statutes is repealed.

15 **SECTION 2826i.** 134.72 (2) (b) of the statutes is renumbered 134.72 (2), and
16 134.72 (2) (b), as renumbered, is amended to read:

17 134.72 **(2)** (b) Notwithstanding ~~subd. 1. par. (a)~~, a person may not make a
18 facsimile solicitation to a person who has notified the facsimile solicitor in writing
19 or by facsimile transmission that the person does not want to receive facsimile
20 solicitation.

21 **SECTION 2826j.** 134.72 (3) (a) of the statutes is amended to read:

22 134.72 **(3)** (a) *Intrastate.* This section applies to any ~~intrastate telephone~~
23 ~~solicitation or~~ intrastate facsimile solicitation.

24 **SECTION 2826k.** 134.72 (3) (b) of the statutes is amended to read:

1 134.72 (3) (b) *Interstate*. This section applies to any interstate telephone
2 solicitation, or interstate facsimile solicitation, received by a person in this state.

3 **SECTION 2826L.** 134.72 (4) of the statutes is amended to read:

4 134.72 (4) PENALTY. A person who violates this section may be required to
5 forfeit up to not more than \$500.

6 **SECTION 2826p.** 134.92 of the statutes is created to read:

7 **134.92 Motor fuel purchases with the use of a credit or debit card.** No
8 person may sell motor fuel dispensed at a pump at which the purchaser may make
9 payment for the motor fuel by the insertion of a credit or debit card unless no more
10 than the last 4 digits of the credit or debit card number are displayed on any receipt
11 issued automatically from the pump.”.

12 **24.** Page 942 line 9: after that line insert:

13 “**SECTION 2841m.** 138.25 of the statutes is created to read:

14 **138.25 Credit card records. (1) DEFINITIONS.** In this section:

15 (a) “Affiliate,” when used in relation to any person, means a company that
16 controls, is controlled by, or is under common control with the person.

17 (b) “Cardholder” has the meaning given in s. 943.41 (1) (b).

18 (c) “Consumer report” has the meaning given in 15 USC 1681a (d).

19 (d) “Consumer reporting agency” has the meaning given in 15 USC 1681a (f).

20 (e) “Fair Credit Reporting Act” means 15 USC 1681 to 1681u, as amended.

21 (f) “Financial transaction card” has the meaning given in s. 943.41 (1) (em).

22 **(2) DISCLOSURE PROHIBITED.** Except as provided in sub. (3), a person may not
23 disclose to another person, for money or anything else of value, any information or

1 data about a cardholder who is a resident of this state that is obtained by the person
2 from financial transaction card transaction records.

3 **(3) EXCEPTIONS.** A person may disclose information about a cardholder if any
4 of the following apply:

5 (a) The disclosure is made to a consumer reporting agency for purposes of a
6 consumer report or by a consumer reporting agency as authorized under the Fair
7 Credit Reporting Act.

8 (b) The disclosure is made to an affiliate of the person making the disclosure.
9 The affiliate may not disclose any information received pursuant to this paragraph
10 to a person other than the person who initially disclosed the information to the
11 affiliate, unless the person who initially disclosed the information to the affiliate is
12 permitted to make the disclosure under this subsection.

13 (c) If the issuer of the financial transaction card is a retailer, the disclosure is
14 made to or by contractors or agents of the issuer for the purposes of performing
15 functions for or on behalf of the issuer. The contractor or agent may not disclose any
16 information received pursuant to this paragraph to a person other than the issuer,
17 unless the issuer is permitted to make the disclosure under this subsection.

18 **(4) FORFEITURE.** A person who violates sub. (2) may be required to forfeit not
19 more than \$10,000 for each violation. Each disclosure of information or data about
20 one cardholder constitutes a separate violation.

21 **(5) INJUNCTION.** The department of justice may commence an action in circuit
22 court in the name of the state to restrain by temporary or permanent injunction any
23 act or practice constituting a violation of sub. (2).”.

24 **25.** Page 946, line 13: after that line insert:

1 **(3)** “File” has the meaning given in 15 USC 1681a (g).

2 **(4)** “Investigative consumer report” has the meaning given in 15 USC 1681a
3 (e).

4 **(5)** “Summary of rights” means the information a consumer reporting agency
5 is required to provide under 15 USC 1681g (c).

6 **224.993 Disclosure to individual. (1)** IN GENERAL. A consumer reporting
7 agency shall, upon the written request of an individual, provide the individual with
8 a written disclosure report within 5 business days after receiving the written
9 request.

10 **(2)** CONTENTS. Except as provided in sub. (4), the written disclosure report
11 provided under sub. (1) shall contain all of the following:

12 (a) A current consumer report pertaining to the individual.

13 (b) The date of each request for credit information pertaining to the individual
14 received by the consumer reporting agency during the 12 months before the date that
15 the consumer reporting agency provides the written disclosure report.

16 (c) The name of each person requesting credit information pertaining to the
17 individual during the 12 months before the date that the consumer reporting agency
18 provides the written disclosure report.

19 (d) The dates, original payees, and amounts of any checks upon which any
20 adverse characterization of the consumer is based.

21 (e) Any other information contained in the individual’s file.

22 (f) A clear and concise explanation of the contents of the written disclosure
23 report.

24 (g) A summary of rights.

1 **(3) COST.** A consumer reporting agency shall provide the written disclosure
2 report required under sub. (1) free of charge, unless the individual has requested a
3 written disclosure report from the consumer reporting agency during the preceding
4 12 months.

5 **(4) EXCEPTIONS.** A consumer reporting agency may not disclose to an individual
6 making a request under sub. (1) any of the following:

7 (a) The sources of any information that was both acquired solely for use in
8 preparing an investigative consumer report and used for no other purpose.

9 (b) Any credit score or other risk score or predictor relating to the consumer.

10 **(5) PENALTY.** Any person who violates this section may be fined not more than
11 \$500 for the first offense and may be fined not more than \$1,000 or imprisoned for
12 not more than 6 months or both for each subsequent offense occurring within 6
13 months.”.

14 **28.** Page 1143, line 6: after that line insert:

15 “**SECTION 3492m.** 421.301 (13m) of the statutes is created to read:

16 **421.301 (13m)** “Cookie” means a file that is created and stored on a computer
17 as a result of that computer accessing and interacting with an Internet web site and
18 that contains information regarding the Internet web sites accessed through use of
19 that computer, or information used when that computer accesses an Internet web
20 site previously accessed through use of that computer, or both.

21 **SECTION 3492p.** 422.422 of the statutes is created to read:

22 **422.422 Tracking consumer Internet usage prohibited. (1)** No creditor
23 under an open–end credit plan or merchant may store a cookie on a computer that
24 the creditor knows or has reason to know is used by a customer to whom the creditor

1 or merchant extends credit, or access information obtained from a cookie that
2 another person has stored on such a computer.

3 (2) A violation of this section is subject to s. 425.304.”.

4 **29.** Page 1180, line 21: after that line insert:

5 “SECTION 3741m. 610.75 of the statutes is created to read:

6 **610.75 Use of social security numbers prohibited.** (1) In this section,
7 “health care plan” has the meaning given in s. 628.36 (2) (a) 1.

8 (2) An insurer that provides coverage under a health care plan may not use for
9 any insured or enrollee under the health care plan an identification number that is
10 identical with or that incorporates the insured’s or enrollee’s social security number.
11 This section does not prohibit such an insurer from requiring an insured or enrollee
12 to disclose his or her social security number, or from using an insured’s or enrollee’s
13 social security number if that use is required by a federal or state agency in order for
14 the insured or enrollee to participate in a particular program.”.

15 **30.** Page 1181, line 3: after that line insert:

16 “SECTION 3759m. 632.725 (2) (d) of the statutes is amended to read:

17 632.725 (2) (d) ~~Establish~~ In conformity with the requirements under ss.
18 146.833 and 610.75, establish a uniform statewide patient identification system in
19 which each individual who receives health care services in this state is assigned an
20 identification number. The standardized billing format established under par. (a)
21 and the standardized claim format established under par. (b) shall provide for the
22 designation of an individual’s patient identification number.”.

23 **31.** Page 1219, line 4: after that line insert:

24 “SECTION 3866m. 895.50 (2) (d) of the statutes is created to read:

1 895.50 (2) (d) Publicity given to a matter concerning another person that places
2 the other person before the public in a false light if the false light in which the other
3 person was placed would be highly offensive to a reasonable person.

4 **SECTION 3866n.** 895.50 (2m) of the statutes is created to read:

5 895.50 (2m) (a) In this subsection:

6 1. “Private person” means a person who is not a public person.

7 2. “Public person” means that the person has general fame or notoriety in the
8 community and pervasive involvement in the affairs of society; the person has put
9 himself or herself in the public eye with respect to the issues or events reported; or
10 the person has deliberately engaged the public’s attention to influence the issues or
11 events reported.

12 3. “Publisher” means any person who gives publicity to a matter, including a
13 person who communicates the matter in a newspaper or magazine, on radio or
14 television, or by electronic means.

15 (b) If the person who is the subject of the publicity under sub. (2) (d) is a public
16 person, the publisher is liable under this section only if the publisher had knowledge
17 of or acted with reckless disregard as to the falsity of the publicized matter.

18 (c) If the person who is the subject of the publicity under sub. (2) (d) is a private
19 person, the publisher is liable under this section only if the publisher did not use
20 reasonable care to determine if the matter was false.

21 (d) Truth of the publicized matter is an absolute defense to an action for the
22 violation of a person’s privacy under sub. (2) (d).”.

23 **32.** Page 1256, line 4: after that line insert:

24 **“SECTION 3998m.** 968.27 (12) of the statutes is amended to read:

1 968.27 (12) “Oral communication” means any oral communication uttered by
2 a person exhibiting an expectation that the communication is not subject to
3 interception under circumstances justifying the expectation. “Oral communication”
4 includes any oral communication between an employee of a retail business and a
5 customer of that retail business. “Oral communication” does not include any
6 electronic communication.

7 **SECTION 3998n.** 968.27 (14m) of the statutes is created to read:

8 968.27 (14m) “Retail business” means any business primarily engaged in the
9 retail sale of goods or services from a store or other premises owned or leased by the
10 business.

11 **SECTION 3998o.** 968.31 (2) (c) of the statutes is renumbered 968.31 (2) (c)
12 (intro.) and amended to read:

13 968.31 (2) (c) (intro.) For a person not acting under color of law to intercept a
14 wire, electronic or oral communication where the person is a party to the
15 communication or where one of the parties to the communication has given prior
16 consent to the interception, unless the one of the following applies:

17 1. The communication is intercepted for the purpose of committing any
18 criminal or tortious act in violation of the constitution or laws of the United States
19 or of any state or for the purpose of committing any other injurious act.

20 **SECTION 3998p.** 968.31 (2) (c) 2. of the statutes is created to read:

21 968.31 (2) (c) 2. The communication is an oral communication between an
22 employee of a retail business and a customer of the retail business that is uttered
23 while both the employee and the customer are present in or on the store or premises
24 of the retail business and that is intercepted using an electronic, mechanical, or other
25 device that is attached to or in the possession of the employee.”.

1 **33.** Page 1258, line 7: after that line insert:

2 “**SECTION 4002m.** 971.19 (11) of the statutes is created to read:

3 971.19 **(11)** In an action under s. 942.01, 942.03, 943.201, 943.205, 943.30,
4 943.31, 943.41, 943.70, 946.72, 947.012, or 947.0125, the defendant may be tried in
5 the defendant’s county of residence, in the victim’s county of residence, or in any
6 other county in which the trial may be conducted under this section.”.

7 **34.** Page 1378, line 9: after that line insert:

8 “(4q) CREDIT CARD RECORDS. If a person is affected by a contract that is in effect
9 on the effective date of this subsection and that contains provisions that are
10 inconsistent with section 138.25 (2) of the statutes, as created by this act, then,
11 notwithstanding section 138.25 (2) of the statutes, as created by this act, the person
12 may perform its obligations, and exercise its rights, under those provisions of the
13 contract until the contract expires or is extended, modified, or renewed, whichever
14 first occurs.

15 (4r) INTERNET COOKIES. If a person is affected by a contract that is in effect on
16 the effective date of this subsection and that contains provisions that are
17 inconsistent with section 422.422 (1) of the statutes, as created by this act, then,
18 notwithstanding section 422.422 (1) of the statutes, as created by this act, the person
19 may perform its obligations, and exercise its rights, under those provisions of the
20 contract until the contract expires or is extended, modified, or renewed, whichever
21 occurs first.”.

22 **35.** Page 1396, line 6: after that line insert:

1 “(7q) RIGHT OF PRIVACY. The treatment of section 895.50 (2) (d) and (2m) of the
2 statutes first applies to publicity given to a matter concerning another person on the
3 effective date of this subsection.

4 (7r) VENUE OF CRIMINAL TRIAL. The treatment of section 971.19 (11) of the
5 statutes first applies to criminal actions commenced on the effective date of this
6 subsection.”.

7 **36.** Page 1400, line 5: after that line insert:

8 “(1q) PRIVACY IMPACT STATEMENTS. The treatment of section 13.0991 of the
9 statutes first applies with respect to bills introduced in the 2001–03 legislative
10 session and jacketed by the legislative reference bureau after the effective date of
11 this subsection.”.

12 **37.** Page 1408, line 9: after that line insert:

13 “(30q) INFORMATION TECHNOLOGY TRAINING CREDIT. The treatment of sections
14 71.05 (6) (a) 15., 71.07 (5s), 71.10 (4) (gv), 71.21 (4), 71.26 (2) (a), 71.28 (5s), 71.30 (3)
15 (eon), 71.34 (1) (g), 71.45 (2) (a) 10., 71.47 (5s), 71.49 (1) (eon), and 77.92 (4) of the
16 statutes first applies to taxable years beginning on January 1 of the year in which
17 this subsection takes effect, except that if this subsection takes effect after July 31
18 the treatment of sections 71.05 (6) (a) 15., 71.07 (5s), 71.10 (4) (gv), 71.21 (4), 71.26
19 (2) (a), 71.28 (5s), 71.30 (3) (eon), 71.34 (1) (g), 71.45 (2) (a) 10., 71.47 (5s), 71.49 (1)
20 (eon), and 77.92 (4) of the statutes first applies to taxable years beginning on January
21 1 of the year after the year in which this subsection takes effect.”.

22 **38.** Page 1416, line 16: after that line insert:

23 “(14q) RETAIL BUSINESS ORAL COMMUNICATIONS. The renumbering and
24 amendment of section 968.31 (2) (c) of the statutes and the creation of section 968.31

1 (2) (c) 2. of the statutes first apply to oral communications intercepted on the effective
2 date of this subsection.”.

3 **39.** Page 1420, line 19: after that line insert:

4 “(15q) USE OF SOCIAL SECURITY NUMBERS BY HEALTH CARE PROVIDERS. The
5 treatment of section 146.833 of the statutes takes effect on the first day of the 7th
6 month beginning after publication.”.

7 **40.** Page 1421, line 4: after that line insert:

8 “(4q) USE OF SOCIAL SECURITY NUMBERS BY INSURERS. The treatment of sections
9 610.75 and 632.725 (2) (d) of the statutes takes effect on the first day of the 7th month
10 beginning after publication.”.

11 **41.** Page 1429, line 3: after that line insert:

12 “(6q) STUDENT IDENTIFICATION NUMBERS. The treatment of section 36.32 (1) of the
13 statutes, the renumbering of section 36.11 (35) (title) of the statutes, and the
14 renumbering and amendment of section 36.11 (35) of the statutes take effect on
15 January 1, 2003.

16 (6r) PRIVACY IN ATHLETIC LOCKER ROOMS. The treatment of sections 36.38, 38.12
17 (12), 39.49, 118.39, and 175.22 of the statutes takes effect on the first day of the 6th
18 month beginning after publication.

19 (6s) INTERNET COOKIES. The treatment of sections 421.301 (13m) and 422.422
20 of the statutes and SECTION 9159 (4r) of this act takes effect on the first day of the 7th
21 month beginning after publication.”.

22 (END)