

Committee Name:

**Senate Committee – Privacy, Electronic Commerce and Financial Institutions
(SC-PECFI)**

Appointments

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Clearinghouse Rules

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Committee Hearings

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Misc.

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Record of Committee Proceedings

01hr_SC-PECFI_RCP_pt00

SENATE HEARING SLIP

(Please Print Plainly)

DATE: SB 212

BILL NO. ✓

OR

SUBJECT San Juan River

San Juan River

(NAME)

Arthur
(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information

only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9-20-01

BILL NO. SB 202

OR

SUBJECT anti-spamming

Rachel Winder

(NAME)

37 W. Broad St., Ste. 750
(Street Address or Route Number)

(City and Zip Code)

Columbus OH 43215
WorldCom
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information

only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/20/01

BILL NO. SB 212

OR

SUBJECT _____

Tim Elverman

(NAME)

111 E. Kilbourn Ave.
(Street Address or Route Number)

(City and Zip Code)

Milwaukee WI 53202
Northwestern Mutual
(Representing) Financial Network

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information

only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/20/01
BILL NO. SB 212
OF _____
SUBJECT _____

PAT Osborne
(NAME)
10 E Dwy St. Suite 500
(Street Address or Route Number)

Madison WI 53703
(City and Zip Code)
WI. Assn. of Life & Health
(Representing) INSURERS.
(WALHI)
Speaking in Favor:

Speaking Against:
Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY**.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Sept. 20, 2001
BILL NO. 181 / 212
OF _____
SUBJECT _____

Dettart & Dorr
(NAME)
22 N. Carroll St., 200
(Street Address or Route Number)

Madison
(City and Zip Code)
Direct Marketing Assoc.
(Representing)

Speaking in Favor:
Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY**.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Motion: recommend passage as amended of SBZ1Z
Made by: Jauch Second: Plache

	Present <u>YES</u>	Absent <u>NO</u>
Senator Erpenbach	<u>yes</u>	_____
Senator Jauch	<u>yes</u>	_____
Senator Plache	<u>yes</u>	_____
Senator Fitzgerald	_____	<u>no</u> (polling)
Senator Kanavas	_____	<u>NO</u>

leave the roll open

09-20-2001
folder

Introduction

Motion: adoption of Senate amendment 1
to SB 212

Made by: Jauch Second: Plache

	Present	Absent
Senator Erpenbach	<u>yes</u>	_____
Senator Jauch	<u>yes</u>	_____
Senator Plache	<u>yes</u>	_____
Senator Fitzgerald	<u>yes</u>	<u>(polling)</u>
Senator Kanavas	<u>yes</u>	_____

roll open

Testimony on SB 212 Sponsored by Senator Fred Risser

September 20, 2001

**Rachel Winder
WorldCom, Inc.**

Mr. Chairman and members of the Committee, my name is Rachel Winder and I am the Government Relations Manager for WorldCom. I am here today to explain two amendments that WorldCom has requested to SB 212, sponsored by Senator Risser.

The bill places a number of restrictions on the use of unsolicited electronic mail (or spam). One of WorldCom's affiliates, known as UUNET Technologies, supplies a large percentage of the world's Internet backbone. UUNET Technologies requires that users of our network contractually agree to an Acceptable Use Policy. We are at the front lines of the spam battle, and we use these contractual terms to give ourselves the flexibility to quickly terminate the accounts of spammers.

There is always a danger with anti-spamming bills if they are interpreted to provide the exclusive legal remedy for blocking spam. For example, WorldCom would not want a state law to provide a "safe harbor" for spammers because someone interprets SB 212 to say "as long as you do the following (i.e. limit the hours you send an unauthorized e-mail and limit the size to one page), your e-mail is not considered spam."

For these reasons, WorldCom requests that language be added to Senate Bill 212 that would specify that nothing in the statute would prevent or limit our ability to enforce a more restrictive user policy.

The second amendment relates to the prohibition section of the bill. The language prohibits sending any e-mail solicitation if a person has notified the solicitor that the person does not want to receive e-mails. WorldCom respectfully requests that language be added to provide a reasonable timeframe to allow adequate time to remove an individual from future solicitation lists that may have been prepared. The language would require that a person notify a solicitor at least 30 days in advance before a solicitation would be a violation of the statute.

Thank you Mr. Chairman and members of the Committee. That concludes my testimony and I am happy to answer any questions.



1119th St., N.W. Suite 1180
Washington, D.C. 20036
Tel: 202-955-8091
Fax: 202-955-8081
Email: rss@kse50.com
Web: www.internetalliance.org

September 20, 2001

Senator Jon Erpenbach and Committee Members
Senate Privacy, Electronic Commerce and Financial Institutions Committee
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Erpenbach:

My name is Bob Sherman and I am writing you today on behalf of the Internet Alliance and its Internet State Coalition. I am unable to attend today's hearing on SB 212 and SB 181. Our members appreciate your committee's interest in the important personal privacy issues this legislation addresses but ask that you reject both bills.

By way of introduction, the Internet Alliance (IA) is the leading Internet industry trade association operating at the state and international levels. The Internet State Coalition (ISC) is the state government affairs arm of the Internet Alliance. Leading members of the ISC include: AOL/Time Warner, IBM, eBay, Juno, Yuroka and others.

First I will discuss concerns common to both bills and then deal with issues unique to each. And I will discuss some of the related industry programs and e-mail legislation that our industry does support.

SB 212 and SB 181 deal with e-mail and personal privacy and both relate to the Internet and e-commerce. These well intended attempts to protect personal privacy, are unworkable, unenforceable and an unnecessary step toward state regulation of the Internet.

The Internet is a global network that crosses all state, national and international borders. State legislation that would regulate privacy online without regard to physical presence would be impossible to enforce as websites and ISP's often operate outside the jurisdiction of Wisconsin and even U.S. law. And legislation aimed only at in-state companies would place local businesses at a competitive disadvantage with out-of-state businesses that would be less likely to comply with the law.

We recognize that consumers are concerned about protecting their privacy online. We believe that legislation that promises privacy protection but cannot deliver would be the worst possible outcome. Consumers need real, meaningful privacy protection. Our mission is to promote consumer trust and confidence in the Internet and we understand if consumers fear their privacy

is not protected online then the Internet will never reach its potential as the marketplace for the 21st century.

The Internet Alliance believes that consumers should be able to set the level of privacy they want in their e-mail and when surfing the Web. If they want to be anonymous, they should have that right. Only technology can make that possible. Only an educated consumer, armed with technology can establish real online privacy protection.

Earlier this month, the NCSL at its meeting in San Antonio, agreed with this approach. The NCSL adopted a policy position that reads in part: "Every American should be empowered to protect, assure and secure their privacy and digital property from intrusion or piracy. Advanced technologies including encryption, that empower people to protect themselves, should be available in the marketplace without onerous government controls, restrictions, technical mandates or threats."

More specifically, in SB 212 we are concerned that the bill proscribes how a business must communicate with its customers. The bill attempts to regulate all commercial e-mail, not just unsolicited e-mail. This is an unnecessary intrusion by government into the existing relationship between a business and its customer.

Consumers can already protect themselves against unwanted e-mail. They can forward any offensive or potentially illegal e-mail they receive to their ISP. They can use filtering software that will keep these materials from ever reaching their e-mail box. Institutional screens divert unsolicited e-mail to a bulk mailbox so a consumer need never see it. And personal screens allow consumers to more finely filter out e-mail they do not want to see.

Also there are industry programs in place to deal with unsolicited e-mail, most notably the Direct Marketing Association's (DMA) E-Mail Preference Service (EMPS) program, which is essentially an industry notice, access and choice program.

SB 212 adds an electronic mail address to the list of personal identifiers established in state law. It then prohibits the purchase or sale of that information for marketing purposes without the written consent of the individual. First, an e-mail address by itself is not a personal identifier. A marketer with access only to e-mail addresses will not know whom the consumer is. E-mail need not be linked to a physical address or individual, so identification is impossible.

The bill does not distinguish between online or offline use of this information. Again we believe this would be impossible to enforce in e-commerce. The very businesses many lawmakers hope to reach with this type of bill -- bulk spammers or porn sites advertising through e-mail -- often operate off shore. This bill risks making lawbreakers out of legitimate businesses that are ignorant of the law and does little to capture those who would brazenly violate it.

The IA does support e-mail legislation designed to rid the Internet of cyber criminals. The IA supports legislation that would make it illegal to send materials using Internet e-mail that may not be sent in regular mail. Activities that are traditionally illegal in regular commerce must also

be illegal in online commerce. Altering an email header, for example, is fraud. The ISC supports laws that make it illegal to fraudulently identify or forge headers and return addresses.


The IA also supports legislation that would give the ISP the ability to sue and recover attorney's fees from businesses that break laws that make offensive or fraudulent e-mail illegal. The ISP's role in Internet mail is similar to the role the Postal Service has in regular mail. The ISP needs similar tools to help keep commercial e-mail traffic free of these objectionable materials.

It is difficult to prosecute online criminals. The IA supports additional tools, training and funding for law enforcement to investigate, identify and prosecute these cases. The industry is available to help train law enforcement on the technology and help consumers protect themselves from illegal e-mail operators.

The Internet is in its infancy. The commonplace technology we use to surf the Web today did not exist five years ago. And the technology we will use five years from now does not exist commercially today. We should not regulate any Internet technology. We should not legislate stagnant solutions to evolving problems when nimble technological solutions are available that can stretch and adapt as the Internet and the issues it raises change.

So again I ask that you not advance SB 212 and SB 181.

Thank You.

A handwritten signature in black ink that reads "Bob Sherman". The signature is written in a cursive, flowing style.

Bob Sherman

To: Committee on Privacy, Electronic Commerce
and Financial Institutions

From: The Direct Marketing Association (The DMA)
123 companies headquartered or with operations in
Wisconsin
providing 295,000 jobs in Wisconsin

Contact: Eric Petersen
608 256 5223

The Direct Marketing Association (The DMA) and its 4800 member companies oppose Senate Bill 212.

No state prohibits the delivery of commercial solicitations. SB 212 would require the prior consent of a consumer when sending an offer to purchase goods or services.

Federal courts have concluded that the Internet cannot be regulated by the states but rather demands a consistent framework that can only be regulated by the federal government. Once individual states regulate the Internet, a significant burden is placed on interstate commerce.

The DMA supports requiring a marketer to provide a clear and conspicuous notice and method by which a consumer can opt-out of further solicitations.

SB 212 copies the Wisconsin facsimile law which has been superseded by federal law. This law is inappropriate for e-mail solicitations which can so easily be rejected.

To: Committee on Privacy, Electronic Commerce
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To: Committee on Privacy, Electronic Commerce, and Financial Institutions

From: The Direct Marketing Association (The DMA)
123 companies headquartered or with operations in Wisconsin
providing 295,000 jobs in Wisconsin

Contact: Eric Peterson
608 256 5223

On behalf of the 4,800 member companies of The Direct Marketing Association ("DMA"), we write to oppose Wisconsin Senate Bill 181 ("SB 181"), legislation which would turn the current landscape of marketing legitimate goods and services to Wisconsin consumers on its head, while only marginally serving the state's undoubtedly legitimate interest in protecting its citizens' privacy.

In its current form, SB 181 imposes a blanket restriction on the dissemination of virtually all information regarding their customers by DMA members who use such information to more efficiently and accurately tailor their marketing efforts. In order to disclose information pertaining to its customers, a person must obtain the consumer's written permission to disclose the information.

SB 181 suffers from a multitude of defects. First, it would drastically affect the ability of legitimate marketers of goods and services to provide truthful information to potential consumers regarding their products, in that it lumps virtually all information pertaining to consumers under its definition of "personal identifier." Marketing of goods and services is an important economic tool, in that it efficiently and effectively moves those goods and services from producer to consumer. Both the Wisconsin and United States economies depend upon businesses being able to identify and solicit potential consumers. For DMA members, information regarding individuals' purchases, for example, is crucial to marketing efforts, in that it allows marketers to specifically target segments of the population which are more likely to be interested in the offered product or service.

SB 181 likely violates the First Amendment of the United States Constitution by impermissibly restricting protected commercial speech. Exchange of marketing information "fits soundly within the definition of commercial speech." U.S. West, Inc. v. FCC, 182 F.3d 1224, 1233 (10th Cir. 1999). Commercial speech is protected under the First Amendment, and may be regulated only if (1) the state has a "substantial" interest in regulating the speech, and (2) the regulation is narrowly drawn. Central Hudson Gas & Elec. Corp. v. Public Serv. Comm., 447 U.S. 557, 563-6 (1980). The burden is on the state to prove these elements. See Bolger v. Youngs Drug Prods. Corp., 463 U.S. 60, 71, n. 20 (1983).

Neither requirement has been met here. Wisconsin does not have a "substantial state interest" in regulating the harmless inter-business exchange of information for marketing purposes. A state has a "substantial interest" in restricting the exchange of marketing information only if dissemination of the information would unduly embarrass or harm individuals. U.S. West, 182 F.3d at 1231. A consumer's mere discomfort in knowing that information about him or her may be in the public realm does not give rise to a "substantial" state interest.

The inter-business exchange of marketing information poses no risk of undue "embarrassment," "ridicule," "intimidation" or "harassment" to consumers. Businesses exchange marketing information solely to enable them to make commercial offers to individuals through the mail, telephone or Internet. The information is not publicized, disseminated or otherwise placed in the open for all to see.

Even if Wisconsin were deemed to have a substantial interest in curbing the exchange of marketing information, SB 181 is not narrowly tailored to achieve that purpose. A regulation of commercial speech is unconstitutionally overbroad if less burdensome alternatives exist, or, put differently, if the burdens of the regulation outweigh its benefits. City of Cincinnati v. Discovery Network, Inc., 507 U.S. 410, 417 & n.13 (1993); U.S. West, 182 F.3d at 1238.

In summary, SB 181's blanket restriction of commercial speech, subject only to an opt-in system that would virtually ensure the termination of a vast majority of information exchange for marketing purposes, violates the First Amendment of the United States Constitution, especially in light of numerous, less burdensome alternatives.

Finally, SB 181 also likely violates the Commerce Clause of the United States Constitution, in that it unduly burdens interstate commerce. See U.S. Const., Art. I, § 8, cl. 3. The Commerce Clause prohibits States from imposing a "substantial burden" on interstate commerce. See South-Central Timber Dev., Inc. v. Wunnicke, 467 U.S. 82 (1984). The United States Supreme Court has made clear that in determining whether a state regulation unconstitutionally burdens interstate commerce, lower courts must perform "a sensitive consideration of the weight and nature of the state regulatory concern in light of the extent of the burden imposed on the course of interstate commerce." Kassel v. Consolidated Freightways Corp., 450 U.S. 662, 670-71 (1981).

Conclusion

In summary, SB 181 in its present form is unreasonable, overly broad, and unconstitutional. Its broad definition of "personal identifier" and sweeping restrictions on the use (and disclosure) of such information would be harmful to Wisconsin consumers and economy.



**STATE-BY-STATE ANALYSIS OF THE ECONOMIC
IMPACT OF THE DIRECT MARKETING INDUSTRY***

STATE	SALES REVENUE (in millions)		EMPLOYMENT**	
	1998	2003	1998	2003
Alabama	\$19,562,400	\$28,957,000	183,579	221,282
Alaska	\$2,981,600	\$4,511,800	29,810	35,160
Arizona	\$21,939,300	\$37,340,900	215,829	303,635
Arkansas	\$12,716,600	\$19,480,500	113,957	141,898
California	\$153,808,800	\$235,004,300	1,494,721	1,894,743
Colorado	\$22,692,100	\$36,674,500	221,716	299,557
Connecticut	\$18,825,900	\$27,253,000	174,885	204,610
Delaware	\$5,219,200	\$7,722,400	45,103	55,398
Dist. of Columbia	\$4,521,700	\$6,027,600	57,818	62,696
Florida	\$73,922,200	\$114,196,200	733,544	942,017
Georgia	\$40,686,900	\$62,452,900	389,325	491,913
Hawaii	\$6,074,200	\$8,694,500	62,099	72,629
Idaho	\$5,570,600	\$9,072,000	50,138	66,177
Illinois	\$67,827,600	\$102,623,900	641,119	783,683
Indiana	\$31,398,000	\$46,632,000	289,922	349,476
Iowa	\$16,094,700	\$24,199,900	150,038	183,414
Kansas	\$13,425,400	\$2,0076,400	123,726	150,326
Kentucky	\$18,859,100	\$28,575,600	175,293	213,431
Louisiana	\$18,134,300	\$26,746,900	175,378	212,353
Maine	\$5,672,900	\$8,431,700	55,362	66,577
Maryland	\$23,625,700	\$35,046,200	233,912	286,540
Massachusetts	\$35,025,000	\$52,531,300	348,010	425,124
Michigan	\$49,375,500	\$74,137,900	459,517	564,569
Minnesota	\$28,813,000	\$44,213,700	273,657	338,167
Mississippi	\$11,839,900	\$17,568,800	112,577	134,906
Missouri	\$29,924,200	\$44,640,700	282,296	340,906
Montana	\$3,642,300	\$5,662,700	37,612	47,573
Nebraska	\$9,842,200	\$14,862,400	92,020	113,228
Nevada	\$9,365,200	\$15,233,100	120,664	164,446
New Hampshire	\$6,331,900	\$9,521,900	61,848	75,309
New Mexico	\$6,656,200	\$10,195,200	67,072	83,881
New York	\$92,865,800	\$135,392,700	902,095	1,061,482
North Carolina	\$42,472,200	\$64,273,700	391,697	483,014

North Dakota	\$3,095,700	\$4,728,700	30,923	38,444
Ohio	\$59,178,900	\$87,821,500	554,490	670,630
Oklahoma	\$14,380,700	\$2,1581,600	141,736	175,985
Oregon	\$16,967,200	\$25,805,000	161,794	201,449
Pennsylvania	\$60,463,200	\$87,805,700	582,732	66,311
Rhode Island	\$4,974,500	\$7,146,500	50,107	58,775
South Carolina	\$18,731,200	\$27,992,100	177,897	216,836
South Dakota	\$3,783,900	\$5,716,900	36,633	44,719
Tennessee	\$28,926,900	\$43,313,400	274,533	334,551
Texas	\$93,257,500	\$143,084,300	877,615	1,096,738
Utah	\$10,934,500	\$17,880,000	109,641	148,405
Vermont	\$3,021,500	\$4,532,300	30,300	36,780
Virginia	\$35,110,000	\$53,150,400	338,857	427,729
Washington	\$27,610,300	\$42,583,500	259,476	328,606
West Virginia	\$6,828,800	\$10,064,400	66,739	80,484
Wisconsin	\$29,366,100	\$44,391,300	274,505	333,554
Wyoming	\$1,984,800	\$2,927,200	20,495	24,275

* Sales revenue generated by direct marketers in each state. Source: 1998 WEFA Study: Economic Impact: U.S. Direct Marketing Today

** Number of people employed by direct marketers in each state

U.S. MEMBERS—GEOGRAPHICAL

Onyx Software Corporation vCustomer.com	(425) 451-8060 (425) 467-9320	The Spokesman-Review WhiteRunkle Associates	(509) 459-5060 (509) 747-6767	Ovation Marketing, Inc.	(608) 785-2460	
Bellingham American Readers Services Corp Grizzly Industrial, Inc.	(360) 647-1707 (360) 647-0801	Sumas Pacific East Research Corporation	(800) 665-8400	Lake Geneva Primex Incorporated	(262) 248-3000	
Cashmere Liberty Orchards Co., Inc.	(509) 782-2191	Summer REI-Recreational Equipment, Inc.	(253) 395-3780	Madison Berbee Center for Cosmetic Dentistry	(608) 288-3000 (608) 238-9123	
Federal Way World Vision U.S.	(253) 815-2288	Tacoma Don Mears Insurance Agency The News Tribune	(253) 565-1316 (253) 597-8754	The Charlton Group Inc. Conney Safety Products Company, Inc.	(608) 232-9444 (608) 271-3300	
Freeland Interstate Label Company	(360) 331-5550	Vancouver Dentistry Online, Inc. Electric Lightwave	(360) 892-1298 (360) 816-3000	CUNA Mutual Insurance Group PC/NameTag Promega Corporation Sonic Foundry, Inc. TDS Telecom Third Wave Research Group University of Wisconsin The Wisconsin Cheeseman, Inc.	(608) 238-5851 (608) 231-6100 (608) 274-4330 (608) 204-8014 (608) 664-4119 (608) 255-9283 (608) 263-3377 (608) 837-5166	
Kent Manus Direct	(800) 336-2687	West Virginia			Menasha Banta Catalog Group	(920) 751-7777
Kirkland Birthday Express digiMine Talisma Corporation	(425) 641-0075 (425) 896-1700 (425) 897-2900	Charles Town Marketing/Media Dynamics, Inc.	(203) 750-0295	Menomonee Falls AD Tape & Label Arandell Corporation	(414) 255-6150 (262) 255-4400	
Liberty Lake Telect, Inc.	(509) 926-6000	Keyser Burlington United Methodist Family Servi	(304) 788-1953	Middleton Pleasant Company	(608) 836-4848	
Mercer Island Bert O'Malley Dir Marketing Consulting Davis Direct Worldwide Returns Online, Inc.	(206) 275-0202 (206) 275-2532 (206) 230-8000	Parkersburg Woodcraft Supply Corp.	(304) 422-5412	Milwaukee AB Data Ltd. American Society for Quality Aurora HealthCare C & H Distributors, Inc. DCI Marketing Direct Supply Inc. Dorothy Kerr & Associates Fortis Health Hoffman York Hunter Business Group LLC. Integrated Mail Industries INX International Ink Co. National Business Furniture, Inc. Northwestern Mutual Paragon Direct, Inc. Robert W. Baird & Company Strong Funds	(414) 352-4404 (414) 272-8575 (414) 647-3000 (414) 443-1700 (414) 228-7000 (414) 358-2805 (414) 228-0335 (800) 800-1212 (414) 289-9700 (414) 203-8060 (414) 908-3533 (414) 438-4383 (414) 276-8511 (414) 271-1444 (414) 362-1111 (414) 765-3500 (414) 359-3400	
Pullman Washington State University Foundation	(509) 335-6686	Wisconsin			Monroe The Swiss Colony, Inc.	(608) 328-8400
Redmond ComputerGear, Inc. Eddie Bauer Microsoft Corp. PAC National, Inc.	(425) 883-9052 (425) 882-6100 (425) 882-8080 (425) 885-9330	Appleton AAL	(920) 734-5721	Neenah J.J. Keller & Associates, Inc.	(920) 722-2848	
Renton ClassMates Online, Inc.	(425) 873-1342	Beaver Dam EZ Fulfillment	(920) 887-0391	New Berlin Sells Printing Company L.L.C.	(800) 728-9501	
Seattle Acadio Corporation Allrecipes.com Americana Portraits, Inc. Aptimus Avenue A, Inc. Bank of America Direct Marketing Group Beckon Technologies The Body Shop Digital Cesari Response Television, Inc. Committee for Children Daniel Smith Direct Marketing Solutions, Inc. The Domain Group goNextdoor.com Inc. Honestreet Bank hunt.DLRdirect Inside Prospects, Inc. Nordstrom Pele's Fire Corp Plymedia Corporation Printus Pro2Net Purolator SAFHCO Insurance Company Seattle Direct Marketing Association Seattle University Starbucks Coffee Company Sur La Table ZWAY Corporation WRQ Inc.	(206) 225-5072 (206) 292-3990 (206) 587-0333 (206) 441-9100 (206) 521-8800 (206) 358-2858 (206) 903-9960 (206) 583-2752 (206) 281-7975 (206) 343-1223 (206) 223-9599 (206) 441-4900 (206) 682-3035 (206) 985-7797 (800) 654-1075 (206) 728-6245 (206) 923-2025 (206) 215-7000 (206) 709-7353 (206) 272-9600 (206) 292-1000 (206) 664-9000 (206) 878-7118 (206) 545-5770 (206) 575-3500 (206) 296-2658 (206) 318-7101 (206) 682-7175 (206) 284-2929 (206) 217-7500	Brookfield Johnson Direct	(800) 794-2230	New Holstein Society of the Divine Savior	(920) 898-4201	
		Chippewa Falls Mason Shoe Manufacturing Co.	(715) 723-1871	Oconomowoc Milwaukee Envelope Inc.	(262) 569-5555	
		Cudary MSF Corporation	(414) 483-5025	Oscoda Classic Motorbooks Core Products International	(715) 294-3345 (715) 294-2050	
		Delafield Data Services Inc.	(888) 567-2913	Oshkosh Miles Kimball	(920) 231-3800	
		Dodgeville Lands' End, Inc.	(608) 935-9341	Pewaukee Quad/Graphics, Inc.	(414) 566-6000	
		Eau Claire Lorman Business Center	(715) 833-3940	Plymouth Sargento Foods Inc.	(800) 795-7090	
		Fort Atkinson NASCO	(414) 563-2446	Randolph J. W. Jung Seed Company	(920) 326-3121	
		Grafton Frank Mayer & Associates, Inc.	(262) 377-4701	Rhineland Foster & Smith, Inc.	(715) 369-3305	
		Green Bay Greatland Wisconsin Public Service Corporation	(920) 337-1000 (920) 433-1671			
		Greendale Reiman Publications	(414) 423-0100			
		Hales Corners Priests of the Sacred Heart	(414) 425-3383			
		Janesville Lab Safety Supply Inc.	(608) 754-2345			
		Kenosha Doheny Enterprises, Inc. FloCat Jockey International Global, Inc.	(262) 605-1060 (262) 605-1380 (414) 658-8111			
		La Crosse Firstlog, Inc.	(608) 782-5000			

U.S. MEMBERS-GEOGRAPHICAL

Sheboygan
Map Applications, Inc. (920) 457-8600

Sparta
Northern Engraving Co. (608) 784-6000

Superior
Tele Resources Inc. (715) 395-2740

Waukesha
Kalmbach Publishing Company (414) 796-8776
NuEdge Systems, L.L.C. (414) 650-8228
Seroka & Associates (414) 523-3740

Wyoming

Cheyenne
Sicra Trading Post (307) 775-8050
Unicover Corporation (307) 771-3000

Cody
Modern Farm Catalog (307) 587-5515

Argentina

Asociacion de Marketing Directo de Argen 54 11.4373.3030
Clienting Group 54 1821-3900
CORREO ARGENTINO S.A. 54 1316 30 63
CP Comunicacion 54 11 4804 9839
Di Paola & Associates/TS Group 54114816-0848
Editorial Perfil 5411-4341-9052
Gratis! Inc. 54 1143135400
mailco s.a. 54 11.4312.3636
McCann Relationship Marketing 54 114329-9500
Meyer & Meyer Direct S.A. 54 1772-3405
Rapp Collins Argentina 54 114315-9119
Sprayette S.A. 54 1585-8502
Tovecompras 54 1857-5050

Australia

Australia Post 61 39204-7557
Bookman Press 61 396542000
Bristow & Prentice 61 3 9686 3755
Call Centre Integrity, Pty Ltd. 61 9927-4026
Curtwright Williams 61 29953-8600
Clemenger Direct 61 39 526 2218
Cumming Agency & Studios Pty Ltd. 61 2319-1933
Direct Media Pty Ltd 61 029525-5266
D.K. Marketing Pty Ltd. 61 7 55743743
dstore Ltd. 61 3 9645 5500
Gallery Entertainment Pty. Ltd 61 299 37 27 42
George Patterson Bates Gifts To Go 61 02 9778 7175
Linda Loose Marketing & Communications 61 39645-3900
The Mailing List Centre 61 29969-2922
Manchester Holdings Pty Ltd 61 7229-6611
Marketability 61 39696-3505
Morris International 61 755383-977
Permail Pty Ltd (Australia) 61 2437-6251
Pinpoint Pty Ltd. 61 29724-0155
Salmat Pty. Ltd. 61 39673-0600
Simon Richards Group 61 2-96988699
Watch.com 61 2-96988699

Austria

Austrian Direct Marketing Association 43 1911 4300

Euromarketing GmbH 43 1533-4615
Hosse & Partner Agentur fur Marketing Ge 43 1503-5600
MH Direk E-Commerce & Fullfillment Svcs 43 15574/8010

Belgium

Belgian Direct Marketing Association 32 2477-1797
Direxions 32 2537-6960
Expanded Media (Billing: Webvision NV)
FEDMA - Federation of European DM 32 2 779 4268
Ketels Direct Marketing NV/SA 32 3710-0711
Management Consulting List Broking Servi 32 36.58.38.83
Willy Brailard NV - S.A. 32 2 332 1960

Bharain

Erad International WLL 973 230 245

Brazil

ABEMD-Asociacao Brasileira de Marketing 55 11.288-2144
ABT - Associacao Brasileira de Telemarke 5511.3107-1955
ADHEL Telemarketing 55 113170-5277
Boa Sorte Agropecuaria Ltda. 55 82327-5941
Cigna Seguradora S/A 55 1132736612
Credicard S/A Adm Cartoes de Credito 5511-30479535
Datalistas S/A 55 0.11.55.11.3037.5749
DDM/Intral - Associates 55 54.205.1300
Decompras 55113044-3866
Digital Factory 550550215127472
Direto da Casa 55 21542-9185
DM Company S/A 55113064-2406
Fabrica Direta 55 11 3079 3933
FBDE/Marketing Consultants Ltda. 5511-3872-9399
Grey Direct Brazil 55113049-8282
Grupo Abril S.A. 55 113037-5991
HB Revistas Tecnicas Internacionais Ltd. 55 11826-6777
HSM DO BRASIL LTDA. 55 117295-2244
IDBM - Brazilian Database Marketing Inst 5511.3171-1120
Rapp Collins Brazil 55 113068-1381
Ricardo Botelho Comunicacao 55 11815-2177
TV Sky Shop SA 55 21421-1188

Canada

Access Canada Direct, Inc. (905) 877-5163
Angoss Software Corporation (416) 593-1122
Aon Direct Group (416) 756-1573
Apex Communications Marketing (514) 877-9818
Armada Advertising Agency (514) 284-6191
Arrowmail Canada (313) 961-8334
Astound Incorporated (905) 602-4000
Atelier America, Inc. (905) 201-2555
Avant Garde Promotions (514) 737-0090
Baker-Blais Marketing (514) 693-9900
Baker Street Technologies, Inc. (905) 265-2141
BBDO Response (416) 323-9162
Beautyrock, Inc. (613) 932-2525

biffandbecky.com (514) 998-8620
Blitz Direct & Promotion (416) 922-6434
Bongarde Communications Ltd. (250) 493-2200
BrainBuzz.com 780 432-6517
C-W Agencies Inc. (604) 871-3400
CanadaPlus.com (519) 966-3003
Canadian Marketing Association (416) 391-2362
Canadian Shareowner Magazine (416) 595-9557
Canadian Tire Acceptance Ltd. (905) 735-3131
Capreol Connex (705) 858-4667
Casino Niagara (905) 374-3598
C.D. Direct (416) 756-0774
CIBC - Canadian Imperial Bank of Commerce (416) 780-3679
Class Software Solutions, Ltd. 604438-7361
Coin & Wells Partners (416) 961-7188
CommuniMax Direct (514) 697-6062
Corporate Travel Incentives (604) 451-9500
CPC Loyalty Communications (416) 494-9905
CSA International (416) 747-4000
DAC Group (416) 492-3214
Delano Technology Corporation (905) 764-5499
Desjardins-Laurentian Life Assurance (514) 285-3213
Direct Marketing Association of Toronto (416) 502-0433
Dr - Ho's Inc. (905) 471-4735
E-Zone Networks (403) 508-7610
Email Marketing Inc. (450) 651-8020
emailhatpays.com Inc. (604) 215-2500
Emex Marketing Technologies, Inc. (604) 415-1500
European Specialty (North America) Ltd. (416) 864-7443
Eyewire, Inc. (403) 262-8008
First Avenue (416) 259-3600
FloNetwork (416) 369-1100
PSA/International Access (905) 415-9438
GRTKO Direct Response (416) 322-8153
Global Direct (403) 531-6550
Groupe RR International (514) 521-8148
Hallstone Products Ltd (416) 297-7757
Harlequin Enterprises Limited (416) 445-5860
YCOM Information & Communications Inc. (416) 297-7887
impatica.com, inc. 613-736-9982
impiric (416) 324-2066
Infobink Technologies Ltd. (416) 504-8805
Inforbit (416) 702-9317
Intelligent Marketing Solutions (416) 513-0005
Interactive Media Group (416) 263-6300
InterCom Recruitment (416) 364-5338
International Direct Response Services (604) 951-6855
International Teledata Group (416) 361-6325
Interwood Marketing Group (905) 669-5151
Intrawest Corporation (604) 669-9777
Jones Direct Marketing Services Ltd. (416) 297-7311
Key Mail Canada Inc. (800) 803-3128
Kubas Consultants (416) 487-7040
Leigh Industries Ltd. (604) 464-2700
L'Ensemble Assurance-vie, Compagnie Muti (418) 658-0663
M. E. R. Inc. (204) 487-2115
MacLaren MRM (416) 594-6000
MailMarketing Corporation (416) 490-8030
Mandrake Management Consultants (416) 640-0750
Munnlife Financial (416) 229-3035
MC Direct (416) 493-5401
Media Express (800) 563-6655
Mediamix Marketing Group Inc. (905) 795-0930

**Testimony on SB 212
Sponsored by Senator Fred Risser**

September 20, 2001

**Rachel Winder
WorldCom, Inc.**

Mr. Chairman and members of the Committee, my name is Rachel Winder and I am the Government Relations Manager for WorldCom. I am here today to explain two amendments that WorldCom has requested to SB 212, sponsored by Senator Risser.

The bill places a number of restrictions on the use of unsolicited electronic mail (or spam). One of WorldCom's affiliates, known as UUNET Technologies, supplies a large percentage of the world's Internet backbone. UUNET Technologies requires that users of our network contractually agree to an Acceptable Use Policy. We are at the front lines of the spam battle, and we use these contractual terms to give ourselves the flexibility to quickly terminate the accounts of spammers.

There is always a danger with anti-spamming bills if they are interpreted to provide the exclusive legal remedy for blocking spam. For example, WorldCom would not want a state law to provide a "safe harbor" for spammers because someone interprets SB 212 to say "as long as you do the following (i.e. limit the hours you send an unauthorized e-mail and limit the size to one page), your e-mail is not considered spam."

For these reasons, WorldCom requests that language be added to Senate Bill 212 that would specify that nothing in the statute would prevent or limit our ability to enforce a more restrictive user policy.

The second amendment relates to the prohibition section of the bill. The language prohibits sending any e-mail solicitation if a person has notified the solicitor that the person does not want to receive e-mails. WorldCom respectfully requests that language be added to provide a reasonable timeframe to allow adequate time to remove an individual from future solicitation lists that may have been prepared. The language would require that a person notify a solicitor at least 30 days in advance before a solicitation would be a violation of the statute.

Thank you Mr. Chairman and members of the Committee. That concludes my testimony and I am happy to answer any questions.