

1999 ASSEMBLY BILL 596

November 24, 1999 – Introduced by Representatives PETROWSKI, HUEBSCH, ALBERS, JENSEN, BALOW, FREESE, GOETSCH, HAHN, JESKEWITZ, JOHNSRUD, KESTELL, KREIBICH, LADWIG, F. LASEE, MONTGOMERY, MUSSER, NASS, OLSEN, OWENS, AINSWORTH, PETTIS, RYBA, SCHNEIDER, SCHOOFF, SPILLNER, STONE, SUDER, SYKORA, VRAKAS, GROTHMAN, MEYERHOFER, GRONEMUS, SERATTI and UNDERHEIM, cosponsored by Senators ERPENBACH, DARLING, PANZER, ROESSLER, SCHULTZ, WELCH and LAZICH. Referred to Committee on Judiciary and Personal Privacy.

1 **AN ACT to renumber and amend** 23.16 (3) and 23.165 (4); and **to create** 23.16
2 (3) (b), 23.165 (4) (b) and 23.45 of the statutes; **relating to:** the disclosure of
3 personal identifiers obtained by the department of natural resources from fish
4 and game approval applications, campsite reservation applications and
5 subscription requests.

Analysis by the Legislative Reference Bureau

Under current law, state agencies, including the department of natural resources (DNR), must release certain information to a third party upon that party's request. This bill creates an exception to this requirement.

Under this bill, DNR is prohibited from disclosing certain personal information on any list that it furnishes to another person, if the list contains personal information about ten or more individuals, the personal information concerns an individual who has requested that DNR keep that information off the list and the personal information was obtained by DNR from an application for a fish or game license or permit or other fish or game approval (approval), from a reservation application for a campsite in a state campground or from a request to obtain a subscription from DNR. The bill provides that a person may give notice to DNR that he or she does not want his or her personal information included on such a list by making a declaration when he or she applies for an approval or campsite reservation from DNR or requests a subscription from DNR. A person may also give notice to DNR that he or she does not want personal information included on a list by requesting a form from DNR for the purpose of making this declaration.

ASSEMBLY BILL 596

The bill provides that DNR must include a place on its approval and campsite reservation application forms and on its subscription forms for an individual to declare that his or her personal information may not be disclosed on the list. The forms must also include a statement indicating the effect of such a declaration and a place for the individual to reverse his or her declaration. DNR must also ask an individual who applies for an approval or campsite reservation or requests a subscription by telephone or other electronic means if the individual wants to make this declaration or reverse a declaration and must advise them of the effect of making the declaration.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 23.16 (3) of the statutes is renumbered 23.16 (3) (intro.) and
2 amended to read:

3 23.16 **(3)** SUBSCRIBER LISTS. (intro.) The department may refuse to reveal
4 names and addresses of persons on any magazine or periodical subscriber list. The
5 department may not reveal names and addresses of persons as prohibited under s.
6 23.45 (5). The department may charge a fee to recover the actual costs for providing
7 or for the use of any magazine or periodical subscriber list. No person who obtains
8 or uses any magazine or periodical subscriber list from the department may refer to
9 the department, the magazine or the periodical as the source of names or addresses
10 unless the person clearly ~~indicates~~ states that the provision of, or permission to use,
11 the subscriber list in no way indicates the any of the following:

12 (a) The department's knowledge, involvement, ~~approval, authorization~~ or
13 connection with the person or the person's activities.

14 **SECTION 2.** 23.16 (3) (b) of the statutes is created to read:

15 23.16 **(3)** (b) The department's knowledge, approval or authorization of the
16 person's activities.

ASSEMBLY BILL 596

1 **SECTION 3.** 23.165 (4) of the statutes is renumbered 23.165 (4) (intro.) and
2 amended to read:

3 23.165 **(4)** SUBSCRIBER LISTS. (intro.) ~~Notwithstanding s. 19.35, the~~ The
4 department may refuse to reveal names and addresses of persons on any publication
5 subscriber list. The department may not reveal names and addresses as prohibited
6 under s. 23.45 (5). The department may charge a fee to recover the actual costs for
7 providing or for the use of a publication subscriber list. No person who obtains or uses
8 a publication subscriber list from the department may refer to the department or the
9 publication as the source of names or addresses unless the person clearly ~~indicates~~
10 states that the provision of, or permission to use, the subscriber list in no way
11 indicates ~~the~~ any of the following:

12 (a) The department's knowledge, involvement, ~~approval, authorization~~ or
13 connection with the person or the person's activities.

14 **SECTION 4.** 23.165 (4) (b) of the statutes is created to read:

15 23.165 **(4)** (b) The department's knowledge, approval or authorization of the
16 person's activities.

17 **SECTION 5.** 23.45 of the statutes is created to read:

18 **23.45 Nondisclosure of certain personal information. (1)** In this section:

19 (a) "Approval" has the meaning given in s. 29.001 (12).

20 (b) "Campsite" means a campsite in a state campground established and
21 operated by the department.

22 (c) "List" means information compiled or maintained by the department that
23 contains the personal identifiers of 10 or more individuals.

24 (d) "Personal identifier" means a name, street address, post-office box number
25 or telephone number.

ASSEMBLY BILL 596

1 (e) “State agency” has the meaning given in s. 20.001 (1).

2 (f) “Subscription” means an agreement to receive, on a periodic basis, a
3 magazine, periodical or publication that is produced by the department.

4 **(2)** If a form that the department requires an individual to complete in order
5 to obtain an approval or subscription or to reserve a campsite requires the individual
6 to provide any of the individual’s personal identifiers, the form shall include all of the
7 following:

8 (a) A place for the individual to declare that the individual’s personal
9 identifiers obtained by the department from an approval or campsite reservation
10 application or from a subscription request may not be disclosed on any list.

11 (b) A statement indicating the effect of declaring that the individual’s personal
12 identifiers obtained by the department from an approval or campsite reservation
13 application or from a subscription request may not be disclosed on any list.

14 (c) A place for the individual to reverse a declaration that the individual’s
15 personal identifiers obtained by the department from an approval or campsite
16 reservation application or from a subscription request may not be disclosed on any
17 list.

18 **(3)** If the department requires an individual to provide, by telephone or other
19 electronic means, any of the person’s personal identifiers in order to obtain an
20 approval or subscription or to reserve a campsite, the department shall do all of the
21 following at the time that the individual provides a personal identifier to the
22 department:

23 (a) Ask the individual if the individual wants to declare that the individual’s
24 personal identifiers obtained by the department from an approval or campsite

ASSEMBLY BILL 596

1 reservation application or from a subscription request may not be disclosed on any
2 list.

3 (b) Advise the individual of the effect of declaring that the individual's personal
4 identifiers obtained by the department from an approval or campsite reservation
5 application or from a subscription request may not be disclosed on any list.

6 (c) Ask the individual if the individual wants to reverse a declaration that the
7 individual's personal identifiers obtained by the department from an approval or
8 campsite reservation application or from a subscription request may not be disclosed
9 on any list.

10 (4) Upon the request of an individual who has applied for an approval or
11 campsite reservation from the department or has requested a subscription from the
12 department, the department shall provide a form to the individual that includes all
13 of the following:

14 (a) A place for the individual to declare that the individual's personal
15 identifiers obtained by the department from an approval or campsite reservation
16 application or from a subscription request may not be disclosed on any list.

17 (b) A statement indicating the effect of declaring that the individual's personal
18 identifiers obtained by the department from an approval or campsite reservation
19 application or from a subscription request may not be disclosed on any list.

20 (c) A place for the individual to reverse a declaration made under this
21 subsection or sub. (2) or (3) that the individual's personal identifiers obtained by the
22 department from an approval or campsite reservation application or from a
23 subscription request may not be disclosed on any list.

24 (5) (a) The department may not disclose on any list that it furnishes to another
25 person a personal identifier of any individual who has made a declaration under sub.

ASSEMBLY BILL 596

1 (2), (3) or (4), except as provided in par. (b). If the department receives conflicting
2 declarations from an individual under sub. (2), (3) or (4), the department shall give
3 effect to the individual's most recent declaration.

4 (b) Paragraph (a) does not apply to a list that the department furnishes to
5 another state agency. A state agency that receives a list from the department
6 containing a personal identifier of any person who has made a declaration under sub.
7 (2), (3) or (4) may not disclose the list to any person other than a state agency.

SECTION 6. Initial applicability.

8
9 (1) The treatment of section 23.45 (5) of the statutes first applies to lists
10 furnished by the department of natural resources on the effective date of this
11 subsection.

SECTION 7. Effective date.

12
13 (1) This act takes effect on the first day of the 6th month beginning after
14 publication.

15 (END)