

1999 DRAFTING REQUEST

Bill

Received: **09/07/1999**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing: **Mike Heifitz**

This file may be shown to any legislator: NO

Drafter: **rkite**

May Contact:

Ah. Drafters:

Subject: **Nat. Res. - fish and game**
Nat. Res. - forests and parks
Nat. Res. - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Opt out of sale of name on approval or subscriber lists

Instructions:

Wants people to be able to opt out of DNR selling their names from subscriber and approval lists. Wants this on the forms. Base it on sub to AB315 that Ivy is doing for DOT licenses.

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>
/?	gibsom 09/07/1999			_____			State
/1	rkite 09/14/1999	chanaman 09/16/1999	jfrantze 09/16/1999	_____	lrb-docadmin 09/16/1999		State
/2	rkite 09/24/1999	chanaman 09/27/1999	mclark 09/27/1999	_____	lrb-docadmin 09/27/1999		State
/3	rkite	chanaman	hhagen	_____	lrb-docadmin	lrb_docadmin	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaired</u>
	10/13/1999	10/14/1999	10/15/1999 _____		10/15/1999	11/02/1999	

FE Sent For:

<END>

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/2	rkite 09/24/1999	chanaman 09/27/ 1999	mclark 09/27/1999	_____	lrb-docadmin 0912711999		State
/3	rkite	chanaman	hhagen	_____	lrb-docadmin		State

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cm4 10/14/13
ck 10/15
ck/jf 10/15

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Bill

Received: 09/07/1999

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Steven Foti (608) 266-2401

By/Representing: Mike Heifitz

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Alt. Drafters:

Subject: Nat. Res. - fish and game
Nat. Res. - forests and parks
Nat. Res, - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

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Instructions:

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Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
/?	gibsom 09/07/1999			_____			State
/1	rkite 09/14/1999	chanarnan 09/16/1999	jfrantze 09/16/1999	_____	lrb_docadmin 09/16/1999		State

FE Sent For:

cmd
 9/27
 MRE
 9/27
 MRE/JF
 9/27
 <END>

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By/Representing: **Mike Heifitz**

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May Contact:

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Nat. Res. - forests and parks
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Extra Copies: **JJK-1**

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Wants people to be able to opt out of DNR selling their names from subscriber and approval lists. Wants this on the forms. Base it on sub to AB3 15 that Ivy is doing for DOT licenses.

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I?	gibsom	cmh 1 9/15	J 9/16	Jb/Rm 9/16	—	—	—

FE Sent For:

<END>

9-8-99

Mike Neffity called re: this request
this is high priority for them

Also -

wants the bill to be comprehensive
i.e. - apply to all lists of personal
identifiers that DNR might have

O.K. to give info to other state agencies
provided they don't pass on the list
to persons other than state agencies

We talked about law enforcement -
shouldn't need exception for law
enforcement because presumably DNR
doesn't furnish "lists" to law
enforcement agencies



D-Note

cm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1999 BILL

1 AN ACT ^{gen cat}; relating to: the disclosure of personal identifiers by the department
2 of natural resources.

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} 10 or more individuals, and the personal information concerns an individual who has requested that DNR keep that information off the list. The bill provides that a person may give notice to DNR that ~~it~~ he or she does not want his or her personal information included on such a list by making a declaration when he or she completes a form in order to receive a license, permit or other approval from DNR or completes a form to obtain a subscription from DNR.

^{no of} Under the bill, 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. The bill provides that DNR must include a place on its approval and 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.

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:

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

23.16 (3) (intro.) SUBSCRIBER LISTS. ~~The~~ ^{The} ~~Notwithstanding s. 19.35 the~~ department may refuse to reveal names and addresses of persons on any magazine or periodical subscriber list ~~except the law~~ ^{prohibited} ~~may not reveal names and addresses of persons as prohibited~~ ^{The department} under s. 23.45. The department may charge a fee to recover the actual costs for providing or for the use of any magazine or periodical subscriber list. No person who obtains or uses any magazine or periodical subscriber list from the department may refer to the department, the magazine or the periodical as the source of names or addresses unless the person clearly indicates states that the provision of, or permission to use, the subscriber list in no way indicates ~~the~~ any of the following:

authorization department's knowledge, involvement, ~~approval,~~ or connection with the person or the person's activities.

History: 1975 c. 224; 1977 c. 418; 1979 c. 221; 1981 c. 335 s. 26; 1983 a. 27; 1989 a. 31 ss. 650km, 650L, 684c, 684e, 684i; Stats. 1989 s. 23.16; 1991 a. 39; 1997 a. 248.

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

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

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

23.165 (4) (intro.) SUBSCRIBER LISTS. ~~Notwithstanding s. 19.35, the~~ ^{strike} ~~department~~ ^{The} may refuse to reveal names and addresses of persons on any publication subscriber

1 list ~~except that~~ ^{The department} may not reveal names and addresses as ~~provided~~ ^{prohibited} under s. 23.45 ⁽⁴⁾

2 The department may charge a fee to recover the actual costs for providing or for the
3 use of a publication subscriber list. No person who obtains or uses a publication
4 subscriber list from the department may refer to the department or the publication
5 as the source of names or addresses unless the person clearly ~~indicates~~ ^{states} that
6 the provision of, or permission to use, the subscriber list in no way indicates ~~the~~ any
7 of the following:

8 ~~authorization~~ department's ~~knowledge, involvement, approval,~~ or
9 connection with the person or the person's activities.

History: 1989 a. 31; 1991 a. 39.

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

11 23.165 (4) (b) The department's knowledge, approval or authorization of the
12 person's activities.

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

14 **23.45 Nondisclosure of certain personal information. (1)** In this section:

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

16 (b) "List" means information compiled or maintained by the ~~department~~ ^{department} that
17 contains the personal identifiers of 10 or more individuals.

18 (c) "Personal identifier" means a name, street address, post-office box number
19 or telephone number.

20 (d) "State agency" has the meaning given in s. 20.001 (1).

21 (e) "Subscription" means an agreement to receive, on a periodic basis, a
22 magazine, periodical or publication that is produced by the department.

1 (2) If a form that the department requires an individual to complete in order
2 to obtain an approval or subscription requires the individual to provide any of the
3 individual's personal identifiers, the form shall include all of the following:

4 (a) A place for the individual to declare that the individual's personal identifiers
5 may not be disclosed on any list.

6 (b) A statement indicating the effect of declaring that the individual's personal
7 identifiers may not be disclosed on any list.

8 (c) A place for the individual to reverse a declaration that the individual's
9 personal identifiers may not be disclosed on any list.

10 (3) Upon an individual's request, the department shall provide a form to the
11 individual that includes all of the following:

12 (a) A place for the individual to declare that the individual's personal identifiers
13 may not be disclosed on any list.

14 (b) A statement indicating the effect of declaring that the individual's personal
15 identifiers may not be disclosed on any list.

16 (c) A place for the individual to reverse a declaration made under this
17 subsection or sub. (2) that the individual's personal identifiers may not be disclosed
18 on any list.

19 (4) (a) ~~Notwithstanding s. 19.55,~~ the department may not disclose on any list
20 that it furnishes to another person ^a the personal identifier of any person who has
made a designation under sub. (2) or (3), except as provided in par (b).

21 (b) ^{Paragraph} Par (a) does not apply to a list that the department ^a furnishes to another
22 state agency. A state agency that receives a list ^{from the department} containing the personal identifier
23 of any person who has made a designation under sub. (2) or (3) ~~shall keep the~~

1 ~~personal identifiers confidential and~~ may not disclose ^{the} it as part of a list ~~except~~ to
2 ~~another~~ ^{any person other than a} state agency.

3 **SECTION 6. Initial applicability.**

4 (1) The treatment of section 23.45 (4) of the statutes first applies to lists
5 furnished by the department of natural resources [✓] on the effective date of this
6 subsection.

7 **SECTION 7. Effective date.**

8 (1) This act takes effect on the first day of the 7th month beginning after
9 publication.

10 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3572/01/004

RNK.....

CMY

- DATE -

1. In accordance with your instructions, I drafted the prohibitions created in the draft broadly. Accordingly, DNR is prohibited from including on any list of 10 or more individuals, the personal identifiers of any person who has requested that DNR keep this information off such a list. The request can be made on a form when applying for an approval or a subscription or can be made by requesting a form from DNR solely for this purpose. If these provisions are drafted too broadly or are inconsistent with your intent, please let me know and I will redraft accordingly.

2. Please look carefully at the definition of "personal identifier" in this **draft** to make sure that the information that you wish to be excluded from lists is covered by the definition. I did not include zip codes, for example, because it seems to me that this information, standing alone, is not identifiable with a particular individual.

3. There may be circumstances when an individual gives DNR his or her personal identifiers over the phone or the internet. Do you want to require that any individual at DNR who takes information-over the phone must give the caller the option of declaring that his or her personal identifiers may not be disclosed on a list? Do you want this information included in connection with transactions occurring over the internet, if any?

4. The draft does not address how DNR must handle "conflicting" declarations. For example, if a person applies for various approvals in a year, and the person makes a declaration on some of the forms but not on others, which declaration takes precedence? You may wish to provide that the last declaration prevails or provide that the individual may make only one declaration in any year.

5. If you have any other questions regarding this draft, please feel free to contact me.

5

Robin N. Rite
Legislative Attorney
Phone: (608) 266-7291
E-mail: Robin.Kite@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3572/1dn
RNK:cmh:jf

September 16, 1999

1. In accordance with your instructions, I drafted the prohibitions created in the draft broadly. Accordingly, DNR is prohibited from including on any list of 10 or more individuals, the personal identifiers of any person who has requested that DNR keep this information off such a list. The request can be made on a form when applying for an approval or a subscription or can be made by requesting a form from DNR solely for this purpose. If these provisions are drafted too broadly or are inconsistent with your intent, please let me know and I will redraft accordingly.

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5. If you have any other questions regarding this draft, please feel free to contact me.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: Robin.Kite@legis.state.wi.us

9-22-99 -

Redraft instructions from Mike in Foli's
office re: LBB 35-72

Re: D-Note

Item #3. - require that DNR ask about
personal identifier release when taking
info over phone + over internet

Item #4 - make last declaration prevail

9-24-99

Per Mike - change del. exp. date to
1st day of 6th month



2000
D-Note

1999 BILL

and the ^{personal} information was obtained by DNR from an application for a license or permit or other approval or from a ~~subscription~~ request to obtain a subscription from DNR ^{fish or game} ^{fish or game}

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. ^{request} ^{approval}

from fish and game applications and subscription requests

^{requests} ^{applies for a fish or game}
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, and the personal information concerns an individual who has requested that DNR keep that information off the list. 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 ~~completes a form in order to receive a license, permit or other approval from DNR or ~~completes a form to obtain~~~~ 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. The bill provides that DNR must include a place on its approval and 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. ^{fish or game}

Insert A

fish and game

application forms

BILL

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 (4). 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 - 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.

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

19 23.165 (4) SUBSCRIBER LISTS. (intro.) ~~Notwithstanding s. 19.35, the~~ The
20 department may refuse to reveal names and addresses of persons on any publication
21 subscriber list. The department may not reveal names and addresses as prohibite

BILL

1

under s. 23.45 ⁽⁵⁾ ~~(4)~~. The department may charge a fee to recover the actual costs for providing or for the use of a publication subscriber list. No person who obtains or uses a publication subscriber list from the department may refer to the department or the publication as the source of names or addresses unless the person clearly ~~indicates~~ states that the provision of, or permission to use, the subscriber list in no way indicates ~~the~~ any of the following:

7

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

9

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

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

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

17

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

19

(d) "State agency" has the meaning given in s. 20.001 (1).

20

(e) "Subscription" means an agreement to receive, on a periodic basis, a magazine, periodical or publication that is produced by the department.

22

(2) If a form that the department requires an individual to complete in order to obtain an approval or subscription requires the individual to provide any of the individual's personal identifiers, the form shall include all of the following:

24

BILL

SECTION 5

obtained by the department from an approval application or subscription request

1 (a) A place for the individual to declare that the individual's personal identifiers
2 may not be disclosed on any list.

3 (b) A statement indicating the effect of declaring that the individual's personal
4 identifiers may not be disclosed on any list.

5 (c) A place for the individual to reverse a declaration that the individual's
6 personal identifiers may not be disclosed on any list.

*Insert
4-6*

7 ~~(3)~~ Upon ~~an individual's request~~, the department shall provide a form to the
8 individual that includes all of the following:

9 (a) A place for the individual to declare that the individual's personal identifiers
10 may not be disclosed on any list.

11 (b) A statement indicating the effect of declaring that the individual's personal
12 identifiers may not be disclosed on any list.

13 (c) A place for the individual to reverse a declaration made under this
14 subsection ~~(or sub. (2))~~ that the individual's personal identifiers may not be disclosed
15 on any list. *stet.*

16 ~~(3)~~ (a) The department may not disclose on any list that it furnishes to another
17 person a personal identifier of any ~~person~~ *individual* who has made a ~~designation~~ *declaration* under sub.
18 (2) ~~(3)~~ *or (4)*, except as provided in par. (b). *Insert 4-18*

19 (b) Paragraph (a) does not apply to a list that the department furnishes to
20 another state agency. A state agency that receives a list from the department
21 containing a personal identifier of any person who has made a ~~designation~~ *declaration* under sub.

22 (2) ~~(3)~~ *or (4)* may not disclose the list to any person other than a state agency.

SECTION 6. Initial applicability.

*add
comma*

*the request of an individual who
has applied for an approval or
has requested a subscription
from the department*

BILL

1 (1) The treatment of section 23.45 ~~of~~ ^{✓ (5)} of the statutes first applies to lists
2 furnished by the department of natural resources on the effective date of this
3 subsection.

4 **SECTION 7. Effective date.**

5 (1) This act takes effect on the first day of the ~~7th~~ ^{6th} month beginning after
6 publication.

7 (END)

Insert A

no 99

~~The~~ DNR must also ~~get~~ ^{ask} an ~~person~~ individual
who applies for ~~the~~ ^{a fax or gene} approval or requests
a subscription by telephone ^{or other electronic means} ~~to make~~ if
the individual wants to ~~declare that~~
~~his or her~~ personal information make this
declaration ~~or~~ reverse a declaration
and must ~~advise~~ ^{advise} them ^{of} the effect of making
the declaration.

(END OF INSERT A)

Insert
4-6

in order to obtain an approval or subscription, by telephone or other electronic means,

(3) If the department requires an individual to provide any of the person's personal identifiers, the department shall ~~do all of the~~ do all of the

following at the time that the individual provides ~~the~~ ^a personal identifier to the department:

obtained by the department from an approval application or subscription request

(a) Ask the individual if the individual wants to declare that the individual's personal identifiers ~~may~~ ^{may not} be disclosed on any list.

(b) ~~Advise~~ ^{Advise} the individual ^{of} the effect of declaring that the individual's personal identifiers ~~may~~ ^{may not} be disclosed on any list.

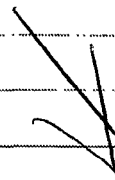
(c) Ask the individual if the individual wants to reverse a

Insert 4-18

(no 9) If the department receives ~~both the~~
~~both~~ ^{= conflicting} declarations from an individual under
sub. (2), (3) or (4), the department
shall give effect to the individual's
most recent declaration.

(END OF
INSERT)

D-NOTE



cm4

D-Note

In ~~the~~ ^{The} course of preparing this redraft, I have added language to clarify that the ~~the~~ ^{the} personal identifiers that DNR is prohibited from disclosing are only those that it obtains in connection with fish and game approvals and subscription requests.

If this is not consistent with your intent, please let me know and I will redraft accordingly.

RJK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3572/2dn
RNK:cmh:mrc

September 27,1QQQ

In the course of preparing this redraft, I have added language to clarify that the personal identifiers that DNR is prohibited from disclosing are only those that it obtains in connection with fish and game approvals and subscription requests. If this is not consistent with your intent, please let me know and I will redraft accordingly.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: Robin.Kite@legis.state.wi.us

Per Mike in Foti's office

Redraft LRB 3572 -

apply nondisclosure of personal info. to
info. obtained by DNR from
campsite reservations

to composite reservation

1999 BILL

(approval), from a reservation application for a campsite in a state campground

General

campsite reservation applications

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 and 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, 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 ~~fish or game license or permit or other fish or game approval~~ 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.

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and campsite reservation
on its
or campsite, reservation

The bill provides that DNR must include a place on its ~~fish and game~~ approval application forms and 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 ~~a fish or game~~ approval 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) ~~SUEWRIBER~~ **LISTS.** (intro.) The department may refuse to reveal
4 names and addresses of persons en any magazine or periodical subscriber list. The
5 department may not reveal names and addresses of nersons as nrohibited under s.
6 23.16(5) 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.

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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 &new&&, involvement, approval, a - - ' u ' - 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)~~ ^(c) "List" means information compiled or maintained by the department that
21 contains the personal identifiers of 10 or more individuals.

22 ~~(c)~~ ^(d) "Personal identifier" means a name, street address, post-office box number
23 or telephone number.

24 ~~(d)~~ ^(e) "State agency" has the meaning given in s. 20.001 (1).

④ (b) "Campsite" means a campsite in a state
campground established and operated by the department.

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(f)

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

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

6 (a) A place for the individual to declare that the individual's personal
7 identifiers obtained by the department from an approval ^{or campsite reservation} application or subscription
8 request may not be disclosed on any list. ^{from a}

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

12 (c) A place for the individual to reverse a declaration that the individual's
13 personal identifiers obtained by the department from an approval ^{or campsite reservation} application or
14 ^{from a} subscription request may not be disclosed on any list.

15 (3) If the department requires an individual to provide, by telephone or other
16 electronic means, any of the person's personal identifiers in order to obtain an
17 approval or subscription ^{or to reserve a campsite}, the department shall do all of the following at the time that
18 the individual provides a personal identifier to the department:

19 (a) Ask the individual if ~~the~~ the individual wants to declare that the individual's
20 personal identifiers obtained by the department from an approval ^{or campsite reservation} application or
21 ^{from a} subscription request may not be disclosed on any list.

22 (b) Advise the individual of ~~the~~ the effect of declaring that the individual's personal
23 identifiers obtained by the department from an approval ^{or campsite reservation} application or subscription
24 request may not be disclosed on any list. ^{from a}

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or campsite reservation

1 (c) Ask the individual if the individual wants to reverse a declaration that the
2 individual's personal identifiers obtained by the department from an approval
3 application or subscription request may not be disclosed on any list.

4 (4) Upon the request of an individual who has applied for an approval from the
5 department or has requested a subscription from the department; the department
6 shall provide a form to the individual that includes all of the following:

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

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

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

17 (5) (a) The department may not disclose on any list that it furnishes to another
18 person a personal identifier of any individual who has made a declaration under sub.
19 (2), (3) or (4), except as provided in par. (b). If the department receives conflicting
20 declarations from an individual under sub. (2), (3) or (4), the department shall give
21 effect to the individual's most recent declaration.

22 (b) Paragraph (a) does not apply to a list that the department furnishes to
23 another state agency. A state agency that receives a list from the department
24 containing a personal identifier of any person who has made a declaration under sub.
25 (2), (3) or (4) may not disclose the list to any person other than a state agency

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SECTION 6. Initial applicability.

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

SECTION 7. Effective date,

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

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGALSECTION: (606) 266-3561
REFERENCESECTION: (608) 266-3546
FAX:

STEPHEN R. MILLER
CHIEF



January 27, 2000

MEMORANDUM

To: Representative Petrowski

From: Robin N. Kite, Legislative Attorney, (608) 266-7291

Subject: Technical Memorandum to **1999 AB 596** (LRB 99-3572/3)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

10

11

M E M O R A N D U M

January 26, 2000

TO: Robin N. Kite
Legislative Reference Bureau

FROM: Yeang-Eng Braun *YEB*
Department of Revenue

SUBJECT: AB 596 Relating to Limiting DNR Disclosure of Personal Identifiers

The Department of Revenue (DOR) believes that this bill will have no direct effect on our Compliance Bureau's collection procedures. However, proposed sec. 23.45 (5)(b), Wis. Stats. [page 6, lines 4-7 of the bill] provides that state agencies receiving a list of personal identifiers from the Department of Natural Resources (DNR) cannot disclose the list to any person other than a state agency. In its collection activities, DOR may disclose such personal identifiers to persons other than state agencies.

For this reason, we suggest that sec. 23.45 (5)(b) be revised to indicate that the restriction on sharing of lists of personal identifiers by state agencies with other persons not apply to personal identifier information provided by DNR to DOR under sec. 73.0301, Wis. Stats.

If you have questions regarding this memorandum, please contact James D. Harnett at 267-7442.

YEB:DC:ds
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