

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 596**

January 26, 2000 – Offered by Representative PETROWSKI.

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, certain  
5           registration applications, applications for certificates of number for boats and  
6           subscription requests.

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

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

9           23.16 **(3)** SUBSCRIBER LISTS. (intro.) The department may refuse to reveal  
10          names and addresses of persons on any magazine or periodical subscriber list. The  
11          department may not reveal names and addresses of persons as prohibited under s.  
12          23.45 (5). The department may charge a fee to recover the actual costs for providing

1 or for the use of any magazine or periodical subscriber list. No person who obtains  
2 or uses any magazine or periodical subscriber list from the department may refer to  
3 the department, the magazine or the periodical as the source of names or addresses  
4 unless the person clearly indicates states that the provision of, or permission to use,  
5 the subscriber list in no way indicates the any of the following:

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

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

9 23.16 (3) (b) The department's knowledge, approval or authorization of the  
10 person's activities.

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

13 23.165 (4) SUBSCRIBER LISTS. (intro.) ~~Notwithstanding s. 19.35, the~~ The  
14 department may refuse to reveal names and addresses of persons on any publication  
15 subscriber list. The department may not reveal names and addresses as prohibited  
16 under s. 23.45 (5). The department may charge a fee to recover the actual costs for  
17 providing or for the use of a publication subscriber list. No person who obtains or uses  
18 a publication subscriber list from the department may refer to the department or the  
19 publication as the source of names or addresses unless the person clearly indicates  
20 states that the provision of, or permission to use, the subscriber list in no way  
21 indicates the any of the following:

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

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

1           23.165 **(4)** (b) The department’s knowledge, approval or authorization of the  
2 person’s activities.

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

4           **23.45 Nondisclosure of certain personal information. (1)** In this section:

5           (a) “Approval” has the meaning given in s. 29.001 (12).

6           (b) “Campsite” means a campsite in a state campground established and  
7 operated by the department.

8           (c) “List” means information compiled or maintained by the department that  
9 contains the personal identifiers of 10 or more individuals.

10          (d) “Personal identifier” means a name, street address, post–office box number  
11 or telephone number.

12          (e) “Privilege” means an approval, a campsite reservation, a certificate of  
13 number under s. 30.52 (5) (a) or a registration.

14          (f) “Registration” means an all–terrain vehicle registration under s. 23.33 (2),  
15 a boat registration under s. 30.52 (5) (b) or a snowmobile registration under s. 350.12  
16 (3).

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

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

20          **(2)** If a form that the department requires an individual to complete in order  
21 to receive a privilege or subscription requires the individual to provide any of the  
22 individual’s personal identifiers, the form shall include all of the following:

23          (a) A place for the individual to declare that the individual’s personal  
24 identifiers obtained by the department from an application to receive a privilege or  
25 from a subscription request may not be disclosed on any list.

1 (b) A statement indicating the effect of declaring that the individual's personal  
2 identifiers obtained by the department from an application to receive a privilege or  
3 from a subscription request may not be disclosed on any list.

4 (c) A place for the individual to reverse a declaration that the individual's  
5 personal identifiers obtained by the department from an application to receive a  
6 privilege or from a subscription request may not be disclosed on any list.

7 **(3)** If the department requires an individual to provide, by telephone or other  
8 electronic means, any of the person's personal identifiers in order to receive a  
9 privilege or subscription, the department shall do all of the following at the time that  
10 the individual provides a personal identifier to the department:

11 (a) Ask the individual if the individual wants to declare that the individual's  
12 personal identifiers obtained by the department from an application to receive a  
13 privilege or from a subscription request may not be disclosed on any list.

14 (b) Advise the individual of the effect of declaring that the individual's personal  
15 identifiers obtained by the department from an application to receive a privilege or  
16 from a subscription request may not be disclosed on any list.

17 (c) Ask the individual if the individual wants to reverse a declaration that the  
18 individual's personal identifiers obtained by the department from an application to  
19 receive a privilege or from a subscription request may not be disclosed on any list.

20 **(4)** Upon the request of an individual who has applied for a privilege from the  
21 department or has requested a subscription from the department, the department  
22 shall provide a form to the individual that includes all of the following:

23 (a) A place for the individual to declare that the individual's personal  
24 identifiers obtained by the department from an application to receive a privilege or  
25 from a subscription request may not be disclosed on any list.

1 (b) A statement indicating the effect of declaring that the individual's personal  
2 identifiers obtained by the department from an application to receive a privilege or  
3 from a subscription request may not be disclosed on any list.

4 (c) A place for the individual to reverse a declaration made under this  
5 subsection or sub. (2) or (3) that the individual's personal identifiers obtained by the  
6 department from an application to receive a privilege or from a subscription request  
7 may not be disclosed on any list.

8 **(5)** (a) The department may not disclose on any list that it furnishes to another  
9 person a personal identifier of any individual who has made a declaration under sub.  
10 (2), (3) or (4), except as provided in par. (b). If the department receives conflicting  
11 declarations from an individual under sub. (2), (3) or (4), the department shall give  
12 effect to the individual's most recent declaration.

13 (b) Paragraph (a) does not apply to a list that the department furnishes to  
14 another state agency. A state agency that receives a list from the department  
15 containing a personal identifier of any person who has made a declaration under sub.  
16 (2), (3) or (4) may not disclose the list to any person other than a state agency.

17 **SECTION 6. Initial applicability.**

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

21 **SECTION 7. Effective date.**

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

24 **(END)**