

1999 DRAFTING REQUEST

Bill

Received: **09/24/98**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Trade Regulation**

Extra Copies:

Topic:

Unsolicited electronic mail

Instructions:

See Attached

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 09/25/98	gilfokm 10/6/98		_____			S&L
/1			ismith 10/6/98	_____	gretskl 10/6/98	lrb_docadmin 01/7/99	

FE Sent For:

0203-99

<END>

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1?	gibsom	11-10-5 Kmg	ES 10/6	ES/JF 10/6			

FE Sent For:

<END>

FRED A. RISSER

State Senator

September 22, 1998



Mary Gibson-Glass
Legislative Reference Bureau
Drafting Section
100 N. Hamilton
Madison, WI 53702

Dear Mary:

Last Session, at my request, you drafted 1997 Senate Bill 283 relating to unsolicited messages transmitted by electronic mail.

I would appreciate you providing me with a redraft of this bill for the 1999-2001 Legislative Session.

Thank you.

Most sincerely,


FRED A. RISSER
State Senator

FAR:lt

1997 SENATE BILL 283

August 28, 1997 - Introduced by Senators RISSER, MOEN and HUELSMAN, cosponsored by Representatives BOCK, CARPENTER, NOTESTEIN, GUNDERSON, HANDRICK, HARS DORF, PLALE, PLOUFF and GRONEMUS. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

Gen Cat

1 **AN ACT** *to renumber* 134.72 (1) (a); *to amend* 134.72 (title), 134.72 (3) (a), 134.72
2 (3) (b), 134.72 (3) (b) and 968.01 (1); and *to create* 134.72 (1) (ag) and 134.72
3 (2) (c) of the statutes; **relating to:** unsolicited messages transmitted by
4 electronic mail.

Analysis by the Legislative Reference Bureau

Current law restricts the transmittal of unsolicited documents by facsimile machine that encourage persons to purchase property, goods or services. These restrictions prohibit the transmittal of unsolicited documents that are more than one page to persons with whom the person sending the documents has not had a prior business relationship.

This bill expands this coverage to include the transmittal of unsolicited messages by electronic mail.

For further information see the **state and local** 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:

5 **SECTION 1.** 134.72 (title) of the statutes is amended to read:

SENATE BILL 283

SECTION 1

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134.72 (title) Prohibition of certain unsolicited messages by telephone or facsimile machine and documents.

SECTION 2. 134.72 (1) (a) of the statutes is renumbered 134.72 (1) (am).

SECTION 3. 134.72 (1) (ag) of the statutes is created to read:

134.72 (1) (ag) "Electronic mail solicitation" means the unsolicited transmission of a message by electronic mail for the purpose of encouraging a person to purchase property, goods or services.

SECTION 4. 134.72 (2) (c) of the statutes is created to read:

134.72 (2) (c) *Electronic mail solicitation.* 1. A person may not make an electronic mail solicitation without the consent of the person solicited unless all of the following apply:

a. The message transmitted, if printed, does not exceed one page in length and is received by the person solicited after 9 p.m. and before 6 a.m.

b. The person making the electronic mail solicitation has had a previous business relationship with the person solicited.

2. Notwithstanding subd. 1., a person may not make a electronic mail solicitation to a person who has notified the solicitor in writing or by electronic mail that the person does not want to receive an electronic mail solicitation.

SECTION 5. 134.72 (3) (a) of the statutes is amended to read:

134.72 (3) (a) *Intrastate.* This section applies to any intrastate telephone solicitation or, intrastate facsimile solicitation or intrastate electronic mail solicitation.

SECTION 6. 134.72 (3) (b) of the statutes is amended to read:

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SENATE BILL 283

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134.72 (3) (b) *Interstate*. This section applies to any ~~interstate telephone solicitation, or interstate facsimile solicitation,~~ received by a person in this state that is a telephone solicitation, a facsimile solicitation or an electronic mail solicitation.

SECTION 7. 968.01 (1) of the statutes is amended to read:

968.01 (1) "Facsimile machine" has the meaning given in s. 134.72 (1) (a) [✓] (am).

← INS 3-3

(END)

Ins. 3-KM

Handwritten notes:
S. 134.72 (3) (b)
Interstate

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0307/lins

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INS 3-3

97 Act 191

SECTION 1. 767.265 (2r) of the statutes is amended to read:

767.265 (2r) Upon entry of each order for child support, maintenance, family support or support by a spouse and upon approval of each stipulation for child support, unless the court finds that income withholding is likely to cause the payer irreparable harm or unless s. 767.267 applies, the court shall provide notice of the assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) (a), or other electronic means to the last-known address of the person from whom the payer receives or will receive money. The notice shall provide that the amount withheld may not exceed the maximum amount that is subject to garnishment under 15 USC 1673 (b) (2). If the clerk of court or support collection designee, whichever is appropriate, does not receive the money from the person notified, the court shall provide notice of the assignment to any other person from whom the payer receives or will receive money. Notice under this subsection may be a notice of the court, a copy of the executed assignment or a copy of that part of the court order directing payment.

NOTE: NOTE: Sub. (2r) is repealed and recreated eff. 10-1-99 or the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under s. 767.25 (1) (f), whichever is earlier; by 1997 Wis. Act 191 to read: NOTE:

(2r) Upon entry of each order for child support, maintenance, family support or support by a spouse and upon approval of each stipulation for child support, unless the court finds that income withholding is likely to cause the payer irreparable harm or unless s. 767.267 applies, the court, family court commissioner or county child support agency under s. 59.53 (5) shall provide notice of the assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) (a), or other electronic means to the last-known address of the person from whom the payer receives or will receive money. The notice shall provide that the amount withheld may not exceed the maximum amount that is subject to garnishment under 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does not receive the money from the person notified, the court, family court commissioner or county child support agency under s. 59.53 (5) shall provide notice of the assignment to any other person from whom the payer receives or will receive money. Notice under this subsection may be a notice of the court, a copy of the executed assignment or a copy of that part of the court order directing payment.

History: 1971 c. 110; 1975 c. 94 s. 91 (3); 1975 c. 199; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221; Stats. 1979 s. 767.265; 1981 c. 20, 186; 1983 a. 27, 384; 1985 a. 29; 1987 a. 38 s. 136; 1987 a. 332 s. 64; 1987 a. 396, 403; 1989 a. 31, 56, 212, 336; 1991 a. 287; 1993 a. 16, 326, 389, 481; 1995 a. 27 s. 9130 (4); 1995 a. 279, 404; 1997 a. 27, 191.

SECTION 2. 968.01 (1) of the statutes is amended to read:

968.01 (1) "Facsimile machine" has the meaning given in s. 134.72 (1) (a).

History: 1989 a. 336; 1995 a. 351.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0307/linsA
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Insert 3-3 continued

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repealed and recreated

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Please fix fonts
etc. SLET*

SECTION 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act 191,

is amended to read:

fix font

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767.265 (2r) Upon entry of each order for child support, maintenance, family support or support by a spouse and upon approval of each stipulation for child support, unless the court finds that income withholding is likely to cause the payer irreparable harm or unless s. 767.267 applies, the court, family court commissioner or county child support agency under s. 59.53 (5) shall provide notice of the assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) ~~(a)~~, or other electronic means to the last-known address of the person from whom the payer receives or will receive money. The notice shall provide that the amount withheld may not exceed the maximum amount that is subject to garnishment under 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does not receive the money from the person notified, the court, family court commissioner or county child support agency under s. 59.53 (5) shall provide notice of the assignment to any other person from whom the payer receives or will receive money. Notice under this subsection may be a notice of the court, a copy of the executed assignment or a copy of that part of the court order directing payment.

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(am)

SECTION 2. Effective date.

repeal and recreation

October 1, 1999,

(1) The ~~treatment~~ of section 767.265 (2r) of the statutes takes effect on ~~10/1/99~~ or the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under section 767.29 (1) (f) of the statutes, whichever is earlier .

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*This act takes effect
on the day after
publication, except as
follows:*

*and 1999 Wisconsin Act
(this act)*

Insert 3-KM

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 10/6/98

To: Senator Risser

Relating to LRB drafting number: LRB-0307

Topic

Unsolicited electronic mail

Subject(s)

Trade Regulation

1. **JACKET** the draft for introduction _____

Risser

in the **Senate** or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-3215