

1999 DRAFTING REQUEST

Bill

Received: 02/03/1999

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Jon Erpenbach**

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

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **State Government - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:


Purchase of personal information from state agencies relating to minors

Instructions:

See Attached. Tel con with Julie Laundrie, 2/8/99: No names or other information from which a name can be deduced. Apply only if purpose is solicitation. No opt in permitted.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Required</u>
/?	kuesejt 08/24/1999	wjackson 08/26/1999		_____		
/P1	kuesejt 08/26/1999		mclark 08/26/1999	_____	lrb_docadmin 08/26/1999	
				_____	lrb_docadmin 08/26/1999	
				_____	lrb_docadmin 08/26/1999	
				_____	lrb_docadmin 08/26/1999	
				_____	lrb_docadmin 08/26/1999	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>		<u>Required</u>
/1	kuesejt 09/15/1999	wjackson 09/15/1999	jfrantze 09/16/1999	_____	lrb_docadmin 09/16/1999		
/2	kuesejt 09/20/1999	wjackson 09/21/1999	kfollet 09/21/1999	_____	lrb_docadmin 09/21/1999	lrb_docadmin	lrb_docadmin 09/22/1999

FE Sent For:

N/A

<END>

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/?	kuesejt 08/24/1999	wjackson 08/26/1999		_____			
/P1	kuesejt 08/26/1999		mclark 08/26/1999	_____	lrb_docadmin 08/26/1999		
				_____	lrb_docadmin 08/26/1999		
				_____	lrb_docadmin 08/26/1999		
				_____	lrb_docadmin 08/26/1999		
				_____	lrb_docadmin 08/26/1999		

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/1	kuesejt 09/15/1999	wjackson 09/15/1999	jfrantze 09/16/1999	_____	lrb_docadmin 09/16/1999		
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/?	kuesejt 08/24/1999	wjackson 08/26/1999		<u>Kjf/</u> 9/2/hmh			
/P1	kuesejt 08/26/1999	/2 9/21 WLJ	mclark 08/26/1999		lrb_docadmin 08/26/1999		
					lrb_docadmin 08/26/1999		
					lrb_docadmin 08/26/1999		
					lrb_docadmin 08/26/1999		
					lrb_docadmin 08/26/1999		

*1/2 kuesejt
9/20*

*Kjf
9/21*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kuesejt 09/15/1999	wjackson 09/15/1999	jfrantze 09/16/1999	_____	lrb_docadmin 09/16/1999		

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Extra Copies:

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Instructions:

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/P1	kuesejt 08/26/1999	1 9/15 WJ	mclark 08/26/1999	_____	lrb_docadmin 08/26/1999		
				_____	lrb_docadmin 08/26/1999		
				_____	lrb_docadmin 08/26/1999		
				_____	lrb_docadmin 08/26/1999		
				_____	lrb_docadmin 08/26/1999		

Handwritten notes: 9/15 and 9/15

DN&TE

1999 DRAFTING REQUEST

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Wanted: **As time permits**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Jon Erpenbach**

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

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **State Government - miscellaneous**

Extra Copies: ~~All attorneys~~

Pre Topic:

No specific pre topic given

Topic:

Purchase of personal information from state agencies relating to minors

Instructions:

See Attached. Tel con with Julie Landrie, 2/8/99: No names or other information from which a name can be deduced. Apply only if purpose is solicitation. No opt in permitted.

Drafting History:

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1? / 1	kuesejt 8/24	/PI WLj 8/26	mrc 8/26	MRE/emh 8/26			

FE Sent For:

<END>

JON ERPENBACH

S T A T E S E N A T O R

TO: Legislative Reference Bureau
FR: Senator Erpenbach
RE: Drafting request that affects multiple state agencies
DT: February 2, 1999

Will you please draft legislation that would prohibit the sale/rent/lease of personal information of a minor (under 18) by all state agencies on lists in groups of ten or more. The intent is to prohibit solicitation of minors because of sale/rental/lease of any list acquired or arranged by any state agency.

If you have any questions, please contact me or Julie in my office. In addition, please let us know who the lead drafter will be. Thank you.

1999

Date (time) needed

THU 8/26-Am

2152

LRB -

DAWNB, P1

BILL

JTK : Wlj :

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . . of the statutes; relating to: sale or rental of certain information pertaining to minors by state agencies.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create -> anal: -> title: -> head

For the subheading [old =S], execute: create -> anal: -> title: -> sub

For the sub-subheading [old =P], execute: create -> anal: -> title: -> sub-sub

(Attached)

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

SECTION #.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2152/P1ins2
JTK.....

Currently, unless otherwise provided by law, a state agency must provide public access to information contained in its records unless the agency demonstrates that the public interest in withholding access to that information outweighs the strong public interest in providing ~~that~~ access. In addition, no state agency may sell or rent any record containing an individual's name or address of residence, unless specifically authorized by state law.

This bill provides, in addition, that no state agency may sell or rent, for purposes of solicitation, any record containing information that can be associated with a particular individual who is a minor if the information is derived from a list or other records series containing ~~10~~^{ten} or more names, unless specifically authorized by state law. The bill also prohibits any person from using, for purposes of solicitation, any information that can be associated with a particular individual who is a minor if the information is derived from a list or records series containing ~~10~~^{ten} or more names and if the information was obtained from a state agency. Violators are subject to a forfeiture (civil penalty) not exceeding \$500 for each violation.

(END OF ANALYSIS)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2152/P1ins
JTK.....

SECTION 1. 19.71[✓] of the statutes is renumbered 19.71 (1)[✓].

SECTION 2. 19.71 (2)[✓] and (3)[✓] of the statutes are created to read:

19.71 (2) No state authority may sell or rent, for purposes of solicitation, a record containing any personally identifiable information pertaining to a minor that is derived from a list or records series containing 10 or more names, unless specifically authorized by state law.

(3) No person may use, for purposes of solicitation, any personally identifiable information pertaining to a minor that is derived from a list or records series containing 10 or more names if the information was obtained from a state authority.



Section #. 19.80 (3) (a) [✓] of the statutes is amended to read:

19.80 (3) (a) Any person who wilfully collects, discloses ~~or maintains~~ ^{or uses} personally identifiable information in violation of federal or state law may be required to forfeit not more than \$500 for each violation.

~~History: 1991 a. 39, 269.~~

Section #. 23.16 (3) of the statutes is amended to read:

23.16 (3) SUBSCRIBER LISTS. The department may refuse to reveal names and addresses of persons on any magazine or periodical subscriber list. 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 that the provision of or permission to use the subscriber list in no way indicates the department's knowledge, involvement, approval, authorization 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.

all
underscoring

The department shall not provide any names or names and addresses from a magazine or periodical subscriber list relating to persons under 18 years of age that is prohibited from being furnished under s. 19.71(2).

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:

SECTION 1. 85.105 of the statutes is amended to read:

85.105 Sale of motor vehicle records. Notwithstanding s. 343.24 (2m), the department may contract with a person to periodically furnish that person with any records on computer tape or other electronic media that contain information from files of motor vehicle accidents or uniform traffic citations and which were produced for or developed by the department for purposes related to maintenance of the operating record file data base. The department and the person desiring to contract with the department shall make a good faith effort to negotiate the purchase price for the records to be provided under this section. ^{shall} The department ~~may not include~~ ^{in any record furnished under this section any personally identifiable information,} ~~the personal identifier, as defined in s. 341.17 (9) (a) 3., of any person under 18 years of age unless that person has made a designation under s. 343.155.~~ ^{as defined in s. 19.62(5) relating to}

SECTION 2. 341.17 (9) (b) of the statutes is amended to read:

~~341.17 (9) (b) In providing copies under this section or s. 19.35 (1) (a) of any written information collected or prepared under this chapter or ch. 342 which that consists in whole or in part of the personal identifiers of 10 or more persons, the department may not disclose a personal identifier of any person who has made a designation under s. 341.08 (1m) or 342.06 (1) (i) that his or her personal identifiers may not be disclosed as provided in this subsection, ^{and may not disclose any personally identifiable information, as defined in s. 19.62(5), relating to a person under 18 years of age that is prohibited from being furnished under} ~~or of any person under 18 years of age who has not made a designation under s. 342.155.~~ ^{s. 19.71 (2)}~~

SECTION 3. 341.17 (9) (c) 4. of the statutes is amended to read:

Section #. 341.17 (9) (b) of the statutes is amended to read:

341.17 (9) (b) In providing copies under this section or s. 19.35 (1) (a) of any written information collected or prepared under this chapter or ch. 342 which consists in whole or in part of the personal identifiers of 10 or more persons, the department may not disclose a personal identifier of any person who has made a designation under s. 341.08 (1m) or 342.06 (1) (i) that his or her personal identifiers may not be disclosed as provided in this subsection. *In selling copies under this*

~~History: 1971 c. 164; 1977 c. 29 ss. 1422, 1654 (7) (a), (e); 1977 c. 273; 1979 c. 221; 1985 a. 202; 1987 a. 217; 1991~~

~~a. 269; 1997 a. 27~~

Section or s. 19.35(1)(a) if any information collected or prepared under this chapter or ch. 342 which consists of any personally identifiable information, as defined in s. 19.02(5), relating to any person under 18 years of age, the department shall not provide any information that is prohibited from being disclosed under s. 19.71(2).

Section #. 343.24 (4) (b) of the statutes is amended to read:

343.24 (4) (b) In furnishing 10 or more operating records to a person under sub. (1) or (2m), the department may not disclose a personal identifier of any person who has made a designation under s. 343.14 (2m) that his or her personal identifiers may not be released as provided in this subsection.

~~History: 1975 c. 297 s. 9; Stats. 1975 s. 343.24; 1977 c. 29 s. 1654 (7) (e); 1979 c. 221, 331, 355; 1989 a. 105; 1991 a. 269; 1993 a. 16, 490; 1995 a. 113.~~

In selling copies of records to a person under sub. (1) or (2m) which include any personally identifiable information, as defined in s. 19.62(5), relating to a person under 18 years of age, the department shall not provide any information that is prohibited from being disclosed under s. 19.71(2).

BILL

1 343.24 (4) (e) Any person who has received under par. (c) a personal identifier
2 of any person who has made a designation under s. 343.14 (2m) or of any person
3 under 18 years of age who has not made a designation under s. 343.155 shall keep
4 the personal identifier confidential and may not disclose it except for a purpose
5 applicable to that person under par. (e).

SECTION 10. Initial applicability.

6 (1) The treatment of sections 85.105[✓], 341.17 (9) (b)[✓] and 343.24 (4) (b)[✓] of the
7 statutes first applies to contracts entered into, extended, modified or renewed on the
8 effective date of this subsection and to requests for personal identifiers received by
9 the department on the effective date of this subsection.
10 the department on the effective date of this subsection.

11 (2) This act first applies to requests made on the effective date of this subsection
12 for records maintained by the department of transportation.

SECTION 11. Effective date.

13 (1) This act takes effect on the first day of the 4th month beginning after
14 publication.
15 publication.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2152/P1dn

JTK.../.....

Wlj

I have made this a preliminary draft because I am not certain whether there are additional statutes that will need to be amended in order to effectuate your intent. I have sent the preliminary draft to all LRB attorneys for their review. Some of the attorneys are not in the office at this time. By September 10, we will have completed our review and I expect to be able to produce a final draft for your approval.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2152/P1dn
JTK:wlj:mrc

August 26, 1999

I have made this a preliminary draft because I am not certain whether there are additional statutes that will need to be amended in order to effectuate your intent. I have sent the preliminary draft to all LRB attorneys for their review. Some of the attorneys are not in the office at this time. By September 10, we will have completed our review and I expect to be able to produce a final draft for your approval.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



(DNOTE)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2152/P1 1
JTK|wlj:mrc
(+ISK)

WANTED by Fri 9/17

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

(regenerate)

1 **AN ACT** ~~to renumber 19.71; to amend 19.80 (3) (a), 23.16 (3), 85.105, 341.17 (9)~~
2 ~~(b) and 343.24 (4) (b); and to create 19.71 (2) and (3) of the statutes; relating~~
3 ~~to: sale or rental of certain information pertaining to minors by state agencies.~~

Analysis by the Legislative Reference Bureau

Currently, unless otherwise provided by law, a state agency must provide public access to information contained in its records unless the agency demonstrates that the public interest in withholding access to that information outweighs the strong public interest in providing access. In addition, no state agency may sell or rent any record containing an individual's name or address of residence, unless specifically authorized by state law.

This bill provides, in addition, that no state agency may sell or rent, for purposes of solicitation, any record containing information that can be associated with a particular individual who is a minor if the information is derived from a list or other records series containing ten or more names, unless specifically authorized by state law. The bill also prohibits any person from using, for purposes of solicitation, any information that can be associated with a particular individual who is a minor if the information is derived from a list or records series containing ten or more names and if the information was obtained from a state agency. Violators are subject to a forfeiture (civil penalty) not exceeding \$500 for each violation.

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

1 **SECTION 1.** 19.71 of the statutes is renumbered 19.71 (1).

2 **SECTION 2.** 19.71 (2) and (3) of the statutes are created to read:

3 19.71 (2) No state authority may sell or rent, for purposes of solicitation, a
4 record containing any personally identifiable information pertaining to a minor that
5 is derived from a list or records series containing 10 or more names, unless
6 specifically authorized by state law.

7 (3) No person may use, for purposes of solicitation, any personally identifiable
8 information pertaining to a minor that is derived from a list or records series
9 containing 10 or more names if the information was obtained from a state authority.

10 **SECTION 3.** 19.80 (3) (a) of the statutes is amended to read:

11 19.80 (3) (a) Any person who wilfully collects, discloses ~~or~~, maintains or uses
12 personally identifiable information in violation of federal or state law may be
13 required to forfeit not more than \$500 for each violation.

14 **SECTION 4.** 23.16 (3) of the statutes is amended to read:

15 23.16 (3) **SUBSCRIBER LISTS.** The department may refuse to reveal names and
16 addresses of persons on any magazine or periodical subscriber list. The department
17 may charge a fee to recover the actual costs for providing or for the use of any
18 magazine or periodical subscriber list. The department shall not provide any names
19 or names and addresses from a magazine or periodical subscriber list of persons
20 under 18 years of age that is prohibited from being furnished under s. 19.71 (2). No
21 person who obtains or uses any magazine or periodical subscriber list from the
22 department may refer to the department, the magazine or the periodical as the
23 source of names or addresses unless the person clearly indicates that the provision
24 of or permission to use the subscriber list in no way indicates the department's

1 knowledge, involvement, approval, authorization or connection with the person or
2 the person's activities.

3 SECTION 5. 85.105 of the statutes is ^{renumbered 85.105 (1) and} amended to read:

4 ~~85.105 (1) (b) Sale of motor vehicle records. Notwithstanding s. 343.24 (2m), the~~
5 ~~department may contract with a person to periodically furnish that person with any~~
6 ~~records on computer tape or other electronic media that contain information from~~
7 ~~files of motor vehicle accidents or uniform traffic citations and which were produced~~
8 ~~for or developed by the department for purposes related to maintenance of the~~
9 ~~operating record file data base. The department and the person desiring to contract~~
10 ~~with the department shall make a good faith effort to negotiate the purchase price~~
11 ~~for the records to be provided under this section. The department shall not include~~
12 ~~in any record furnished under this section any personally identifiable information,~~
13 ~~as defined in s. 19.62 (5), relating to any person under 18 years of age that is~~
14 ~~prohibited from being furnished under s. 19.71 (2).~~

15 SECTION 6. 341.17 ^(8m) of the statutes is ^{created} amended to read:

16 341.17 ^(8m) ~~(2m)~~ In providing copies under this section or s. 19.35 (1) (a) of any
17 ~~written information collected or prepared under this chapter or ch. 342 which~~
18 ~~consists in whole or in part of the personal identifiers of 10 or more persons, the~~
19 ~~department may not disclose a personal identifier of any person who has made a~~
20 ~~designation under s. 341.08 (1m) or 342.06 (1) (i) that his or her personal identifiers~~
21 ~~may not be disclosed as provided in this subsection. In selling copies under this~~
22 ~~section or s. 19.35 (1) (a) any information collected or prepared under this chapter~~
23 ~~or ch. 342 ^{that} which consists of any personally identifiable information, as defined in s.~~
24 ~~19.62 (5), relating to any person under 18 years of age, the department shall not~~
25 ~~provide any information that is prohibited from being disclosed under s. 19.71 (2).~~

JWS 3-14A
JWS 3-14B

plain text

JWS
3-255R

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SECTION 7. 343.24 ^(3m) ~~(4)(b)~~ of the statutes is ^{created} ~~amended~~ to read:

^{(3m) (3)} 343.24 ~~(4)(b)~~ In furnishing 10 or more operating records to a person under sub. (1) or (2m), the department may not disclose a personal identifier of any person who has made a designation under s. 343.14 (2m) that his or her personal identifiers may not be released as provided in this subsection. In selling copies of records to a person under sub. (1) or (2m) ^{that} which include any personally identifiable information, as defined in s. 19.62 (5), relating to a person under 18 years of age, the department shall not provide any information that is prohibited from being disclosed under s. 19.71 (2).

plain text

SECTION 8. Initial applicability.

(1) The treatment of sections 85.105, 341.17 ^{(5), (6) and (8m)} ~~(9)(b)~~ and 343.24 ^{(1), (2m) and (3m)} ~~(4)(b)~~ of the statutes ^{and the creation of section 85.105(2) of the statutes} first applies to contracts entered into, extended, modified or renewed on the effective date of this subsection.

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2152/linsir
ISR:.....

Insert 3-14Aisr

SECTION 1. 85.105 (2) of the statutes is created to read:

85.105 (2) ~~Beginning with contracts entered into, extended, modified or renewed on the effective date of this subsection . . . [revisor inserts date]~~ in providing records under this section, the department may not provide any person with ^{information} ~~a record~~ that is prohibited from being furnished under s. 19.71 (2).

Insert 3-14B ISR

1 person to whom the information will be disclosed signs and gives to the department
2 a written agreement that states any personal identifier received from the
3 department will not be used for the purposes of conducting telephone solicitations.

4 (3) A person who receives a personal identifier under sub. (2) may not use the
5 personal identifier for the purposes of conducting telephone solicitations, disclose a
6 personal identifier to any person for the purposes of conducting telephone
7 solicitations or obtain a personal identifier from the department under this section
8 under false pretenses.

9 (4) A person may not use a personal identifier disclosed under this section for
10 the purposes of conducting telephone solicitations.

11 (5) Whoever violates this section may be fined up to \$500 or imprisoned for not
12 more than 30 days or both for each violation.

13 (6) This section does not apply to a legal custodian under s. 19.33 of the
14 department or to persons receiving information under ss. 341.17 (9), 343.03 (6),
15 343.14 (6), 343.235, 343.24 (3) and (4), 343.245, 343.30 and 343.50 (8) (b).

16 SECTION 2. 85.105 of the statutes is amended to read:

17 **85.105 Sale of motor vehicle records.** Notwithstanding s. 343.24 (2m) and
18 subject to s. 85.103, the department may contract with a person to periodically
19 furnish that person with any records on computer tape or other electronic media that
20 contain information from files of motor vehicle accidents or uniform traffic citations
21 and which were produced for or developed by the department for purposes related
22 to maintenance of the operating record file data base. The department and the
23 person desiring to contract with the department shall make a good faith effort to
24 negotiate the purchase price for the records to be provided under this section.

25 Insert SECTION ~~11~~ 341.17 (5) of the statutes is amended to read:

3-14B

Insert 3-4B'sr (cont)

sub. (8m) ✓

1 341.17 (5) Except as provided in sub. (9) (e) and subject to s. 85.103, public
2 officers and agencies receiving free copies of registration lists under sub. (4) shall
3 keep such lists current and open to public inspection.

4 SECTION ~~5~~ 341.17 (6) of the statutes is amended to read:

Subs. (8m) and (9) ✓

5 341.17 (6) The Subject to s. 85.103, the department shall sell subscriptions to
6 the registration lists compiled under this section and may sell other registration
7 information. In computing the charge to be made for subscriptions to the registration
8 lists and for other registration information, the department shall determine the costs
9 of compiling the lists and other information and shall fairly apportion the major
10 share of those costs among the subscribers and other purchasers.

11 SECTION ~~5~~ [#] 343.24 (1) of the statutes is amended to read:

Subs. (3m) and (7) ✓

12 343.24 (1) The Subject to s. 85.103, the department shall upon request furnish
13 any person an abstract of the operating record of any person. The abstract shall be
14 certified if certification is requested. Such abstract is not admissible in evidence in
15 any action for damages or criminal proceeding arising out of a motor vehicle accident.

16 SECTION ~~5~~ [#] 343.24 (2m) of the statutes is amended to read:

Subject to subs. (3m) and (4) if

17 343.24 (2m) ~~If~~ the department, in maintaining a computerized operating
18 record system, makes copies of its operating record file data base, or a portion thereof,
19 on computer tape or other electronic media, copies of the tape or media may be
20 furnished to any person on request. Subject to subs. (3m) and (4) the
21 department may also furnish to any person
22 upon request records on computer tape or other electronic media that contain
23 information from files of uniform traffic citations or motor vehicle accidents and
24 which were produced for or developed by the department for purposes related to
25 maintenance of the operating record file data base. The department shall charge a
fee of \$3 for each file of vehicle operators' records contained in the tape or media. The

Insert 3-25'sr

Insert 3-25 HR

1 department shall charge a fee of not more than \$3 for each file of uniform traffic
2 citations or motor vehicle accidents contained in the tape or media. Nothing in this
3 subsection requires the department to produce records of particular files or data in
4 a particular format except as those records or data are made by the department for
5 its purposes. ~~All requests made under this subsection are subject to s. 85.103.~~

6 ~~SECTION 7. Initial applicability.~~

7 ~~(1) The treatment of sections 85.103, 85.105, 341.17 (5) and (6) and 343.24 (1)~~
8 ~~and (2m) of the statutes first applies to requests for information received by the~~
9 ~~department or to contracts entered into, extended, modified or renewed on the~~
10 ~~effective date of this subsection.~~

11 ~~SECTION 8. Effective date.~~

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

14

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2152/1dn

JTK.../.....

WJ

The attorneys have now completed their review of LRB-2152/P1 and have given me their comments. We have therefore prepared this redraft for your approval. The only significant changes required were in the transportation area.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2152/1dn
JTK:wljjf

September 16, 1999

The attorneys have now completed their review of LRB-2152/P1 and have given me their comments. We have therefore prepared this redraft for your approval. The only significant changes required were in the transportation area.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



DN 175
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2152/1 ✓
JTK&ISR:wljf
LRJM:

WANTAL ~~1/20~~ 1/20

1999 BILL

(regenerate)

1 **AN ACT** to renumber 19.71 and 85.105; to amend 19.80 (3) (a), 23.16 (3), 341.17
2 (5), 341.17 (6), 343.24 (1) and 343.24 (2m); and to create 19.71 (2) and (3),
3 85.105 (2), 341.17 (8m) and 343.24 (3m) of the statutes; relating to: sale or
4 rental of certain information pertaining to minors by state agencies.

Analysis by the Legislative Reference Bureau

Currently, unless otherwise provided by law, a state agency must provide public access to information contained in its records unless the agency demonstrates that the public interest in withholding access to that information outweighs the strong public interest in providing access. In addition, no state agency may sell or rent any record containing an individual's name or address of residence, unless specifically authorized by state law.

This bill provides, in addition, that no state agency may sell or rent, for purposes of solicitation, any record containing information that can be associated with a particular individual who is a minor if the information is derived from a list or other records series containing ten or more names, unless specifically authorized by state law. The bill also prohibits any person from using, for purposes of solicitation, any information that can be associated with a particular individual who is a minor if the information is derived from a list or records series containing ten or

BILL

more names and if the information was obtained from a state agency. Violators are subject to a forfeiture (civil penalty) not exceeding \$500 for each violation.

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

1 **SECTION 1.** 19.71 of the statutes is renumbered 19.71 (1).

2 **SECTION 2.** 19.71 (2) and (3) of the statutes are created to read:

3 19.71 (2) No state authority may sell or rent, for purposes of solicitation, a
4 record containing any personally identifiable information pertaining to a minor that
5 is derived from a list or records series containing 10 or more names, unless
6 specifically authorized by state law.

7 (3) No person may use, for purposes of solicitation, any personally identifiable
8 information pertaining to a minor that is derived from a list or records series
9 containing 10 or more names if the information was obtained from a state authority.

10 **SECTION 3.** 19.80 (3) (a) of the statutes is amended to read:

11 19.80 (3) (a) Any person who wilfully collects, discloses or maintains or uses
12 personally identifiable information in violation of federal or state law may be
13 required to forfeit not more than \$500 for each violation.

14 **SECTION 4.** 23.16 (3) of the statutes is amended to read:

15 23.16 (3) **SUBSCRIBER LISTS.** The department may refuse to reveal names and
16 addresses of persons on any magazine or periodical subscriber list. The department
17 may charge a fee to recover the actual costs for providing or for the use of any
18 magazine or periodical subscriber list. The department shall not provide any names
19 or names and addresses from a magazine or periodical subscriber list of persons
20 under 18 years of age that is prohibited from being furnished under s. 19.71 (2). No
21 person who obtains or uses any magazine or periodical subscriber list from the

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1 department may refer to the department, the magazine or the periodical as the
2 source of names or addresses unless the person clearly indicates that the provision
3 of or permission to use the subscriber list in no way indicates the department's
4 knowledge, involvement, approval, authorization or connection with the person or
5 the person's activities.

6 **SECTION 5.** 85.105 of the statutes is renumbered 85.105 (1).

7 **SECTION 6.** 85.105 (2) of the statutes is created to read:

8 85.105 (2) In providing records under this section, the department may not
9 provide any person with information that is prohibited from being furnished under
10 s. 19.71 (2).

11 **SECTION 7.** 341.17 (5) of the statutes is amended to read:

12 341.17 (5) Except as provided in sub. (9) (e) and subject to sub. (8m), public
13 officers and agencies receiving free copies of registration lists under sub. (4) shall
14 keep such lists current and open to public inspection.

15 **SECTION 8.** 341.17 (6) of the statutes is amended to read:

16 341.17 (6) The Subject to subs. (8m) and (9), the department shall sell
17 subscriptions to the registration lists compiled under this section and may sell other
18 registration information. In computing the charge to be made for subscriptions to
19 the registration lists and for other registration information, the department shall
20 determine the costs of compiling the lists and other information and shall fairly
21 apportion the major share of those costs among the subscribers and other
22 purchasers.

23 **SECTION 9.** 341.17 (8m) of the statutes is created to read:

24 341.17 (8m) In selling copies under this section any information collected or
25 prepared under this chapter or ch. 342 that consists of any personally identifiable

BILL

1 information, as defined in s. 19.62 (5), relating to any person under 18 years of age,
2 the department shall not provide any information that is prohibited from being
3 disclosed under s. 19.71 (2).

4 **SECTION 10.** 343.24 (1) of the statutes is amended to read:

5 343.24 (1) ~~The Subject to subs. (3m) and (4),~~ the department shall upon request
6 furnish any person an abstract of the operating record of any person. The abstract
7 shall be certified if certification is requested. Such abstract is not admissible in
8 evidence in any action for damages or criminal proceeding arising out of a motor
9 vehicle accident.

10 **SECTION 11.** 343.24 (2m) of the statutes is amended to read:

11 343.24 (2m) ~~If Subject to subs. (3m) and (4),~~ if the department, in maintaining
12 a computerized operating record system, makes copies of its operating record file
13 data base, or a portion thereof, on computer tape or other electronic media, copies of
14 the tape or media may be furnished to any person on request. ~~The Subject to subs.~~
15 ~~(3m) and (4),~~ the department may also furnish to any person upon request records
16 on computer tape or other electronic media that contain information from files of
17 uniform traffic citations or motor vehicle accidents and which were produced for or
18 developed by the department for purposes related to maintenance of the operating
19 record file data base. The department shall charge a fee of \$3 for each file of vehicle
20 operators' records contained in the tape or media. The department shall charge a fee
21 of not more than \$3 for each file of uniform traffic citations or motor vehicle accidents
22 contained in the tape or media. Nothing in this subsection requires the department
23 to produce records of particular files or data in a particular format except as those
24 records or data are made by the department for its purposes.

25 **SECTION 12.** 343.24 (3m) of the statutes is created to read:

BILL

1 343.24 (3m) In selling copies of records to a person under sub. (1) or (2m) that
2 include any personally identifiable information, as defined in s. 19.62 (5), relating
3 to a person under 18 years of age, the department shall not provide any information
4 that is prohibited from being disclosed under s. 19.71 (2).

5 **SECTION 13. Initial applicability.**

6 (1) The treatment of sections 85.105, 341.17 (5), (6) and (8m) and 343.24 (1),
7 (2m) and (3m) of the statutes and the creation of section 85.105 (2) of the statutes first
8 apply to contracts entered into, extended, modified or renewed on the effective date
9 of this subsection.

10

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2152/1RJMin
RJM:.....

JNS 3-10

SECTION ~~4~~³. 177.23 (1m)[✓] of the statutes is created to read:

177.23 (1m) The administrator may not make available for inspection or copying under s. 19.35 (1)[✓] any information recorded under sub. (1)[✓] that satisfies all of the following:

- (a) Is personally identifiable information, as defined under s. 19.62 (5).[✓]
- (b) Relates to any person under 18 years of age.
- (c) Is prohibited from being furnished under s. 19.71 (2).[✓]

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

2/15/20dn
LRB-2093/2dn
JTK.../.....
wlj

This redraft reflects the inclusion of one additional item pertaining to access to information under the unclaimed property law.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2152/2dn
JTK:wlj:kjf

September 21, 1999

This redraft reflects the inclusion of one additional item pertaining to access to information under the unclaimed property law.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Williams, Landon

To: Landrie, Julie
Cc: Kuesel, Jeffery
Subject: 99-2152 per your request



99-2152/2

Landon T. Williams
Legislative Program Assistant
Legislative Reference Bureau
100 N. Hamilton
(608) 266-3561
landon.williams@legis.state.wi.us

**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: 09/21/1999

To: Senator Erpenbach

SEP 21 1999

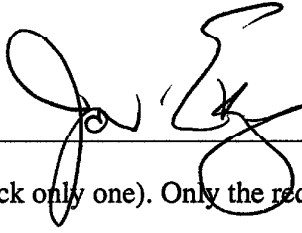
Relating to LRB drafting number: LRB-2152

Topic

Purchase of personal information from state agencies relating to minors

Subject(s)

State Government - miscellaneous



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

Jeffery T. Kuesel, Managing Attorney
Telephone: (608) 266-6778