

2001 DRAFTING REQUEST

Bill

Received: 09/14/2001

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

For: **Michael Powers (608) 266-1192**

By/Representing: **Vince Williams**

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

Drafter: **kuesejt**

May Contact:

Addl. Drafters: **kenneda
kahlepj
nelsorp1
mlief
dykmapj
rkite
champra
kunkemd
grantpr
jkreye**

Subject: **Public Record
Higher Education - miscellaneous
Correctional System - prisons
Insurance - miscellaneous
State Government - miscellaneous
Health - miscellaneous
Mental Health - miscellaneous**

Extra Copies: **MES - 1**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Access to public records; use of SS numbers; prisoner activities; prescription and credit/debit card information; caller ID blocking; privacy impact statements; place of certain trials; DEG officers

Instructions:

Per attached E-Mail, 9/13. Add LRB0671/1.

Drafting History:

"Jacketed"

<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 10/05/2001	wjackson 10/05/2001	kfollet 10/05/2001	_____	lrb_docadmin 10/05/2001		S&L
/2	rkite 10/12/2001 kuesejt 10/15/2001	csicilia 10/14/2001	jfrantze 10/15/2001	_____ _____ _____	lrb_docadmin 10/15/2001		S&L
/3	nelsorp1 10/15/2001	csicilia 10/15/2001	haugeca 10/15/2001	_____ _____	lrb_docadmin 10/15/2001		S&L
/4	kcneda 10/17/2001 kuesejt 10/19/2001	csicilia 10/17/2001	jfrantze 10/17/2001	_____ _____ _____	lrb_docadmin 10/17/2001		S&L
/5	kahlepj 10/19/2001 grantpr 10/19/2001 jkreye 10/19/2001	csicilia 10/26/2001	jfrantze 10/29/2001	_____ _____ _____ _____ _____	lrb_docadmin 10/29/2001	lrb_docadmin	S&L 10/29/2001

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↪ (71")

<END>

↪ old version

↪ 15" at intro

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Jb 10/29 *h/ch* 10/29

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/5	kahlepj 10/19/2001 grantpr 10/19/2001 jkreye	<i>1/s js 10/26</i> <i>01</i>		_____ _____ _____ _____			S&L

FE Sent For: 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001,

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old "1" version

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FE Sent For: 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001, 10/09/2001

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old "1" version

1/4 y/s 10/17
01

J/10/17 2/1/17

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<END>

1/3 jg 10/15
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Instructions:

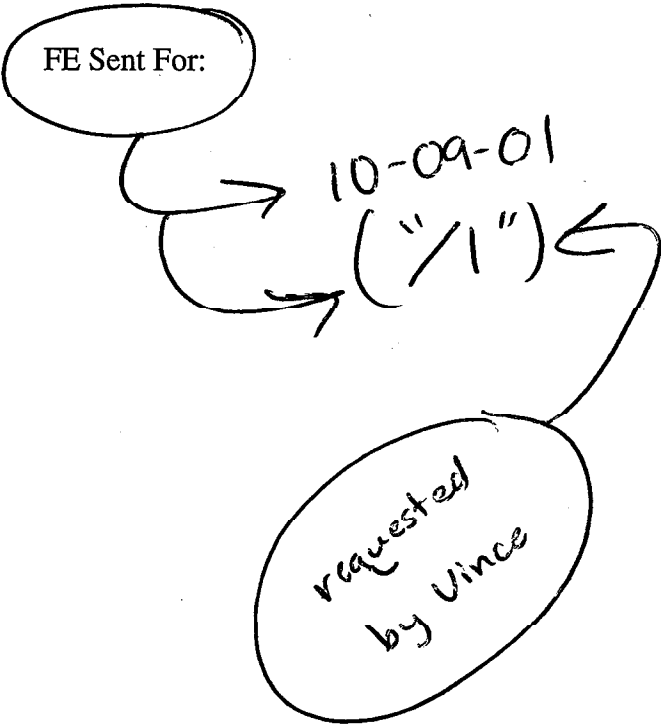
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/1	kuesejt 10/05/2001	wjackson 10/05/2001	kfollet 10/05/2001	_____	lrb_docadmin 10/05/2001		S&L

FE Sent For:

<END>



1/2 qjs 10/14/01 Jo 10/13 Jo/Pg 10/15

NOTE

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GMM

Extra Copies: **MES - 1**
MSD-1

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1?	kuesejt	1 WLj 10/5	<i>Ampl 10/10-4/01 10/5</i>		<i>58/1 pg 10/5</i>		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

Kuesel, Jeffery

From: Williams, Vincent
Sent: Thursday, September 13, 2001 4:46 PM
To: Kuesel, Jeffery
Subject: Powers' Drafting Request

Jeff,

Here is a list of the respective bills and the lead authors:

AB 175- JTK
AB 352- MJL
AB 419- RPN
AB 422- PJK
AB 459- JTK
SB 237- DAK

Rep. Powers would like to combine or modify AB 352 & AB 422, so that they prohibit the display of the social security number on membership or identification cards used by those entities.

AB 419 & SB 237 included in their entirety.

AB 459, include the following provisions:

Access to certain public records containing social security account numbers of individuals
Prohibiting the disclosure of information on credit and debit card receipts for the purchase of motor fuel
Use of caller identification blocking services by telephone solicitors
Use of social security numbers as medical or health insurance identifiers
Preparation of privacy impact statements for bills that would have an impact on personal privacy
Place of trial for persons charged with certain crimes

These bills or portions of the bills should be all rolled into one inclusive bill. I also have some modifications for AB 175, but I need to have some clarifications made on that. Our intention is to hold a hearing on Tuesday, September 25, 2001. This is a rather complicated request for such a short time period, I am aware of that. Please assess the request and give me feedback on the probability that it would be completed on time.

Sincerely,

Vince Williams
Research Assistant
Rep. Powers' Office

JTK

-3774/P1 compile:

- 2186/1
- 3811/1
- 2938/1
- 3806/1
- 3922/1
- 1473/P1
- 3927/1
- 0853/P1
- 0874/P1
- 0852/2
- 3849/1
- 3921/1

- 3806/1 dn ✓
- 9 - 0847/P1 dn ✓
- 0852/2 dn ✓
- 3921/1 dn ✓

Sorted Item List

<u>Store File Name</u>	<u>Text</u>
-0852.1	13.0991 of the statutes is created to read:
-3922.1	19.32 (1bg), (1dm), (2g) and (4) of the statutes are created to read:
-3922.2	19.356 of the statutes is created to read:
-0853.1	19.36 (10) of the statutes is created to read:
-3922.3	19.37 (2) (c) of the statutes is created to read:
-0853.2	19.37 (4) of the statutes is renumbered 19.37 (4) (a).
-0853.3	19.37 (4) (b) and (c) of the statutes are created to read:
-3921.1	22.21 of the statutes is created to read:
-2186.1	36.11 (35) (title) of the statutes is renumbered 36.32 (title).
-2186.2	36.11 (35) of the statutes is renumbered 36.32 (2) and amended to read:
-2186.3	36.32 (1) of the statutes is created to read:
-3922.4	40.07 (4) of the statutes is created to read:
-3811.1	40.51 (8) of the statutes is amended to read:
-3811.2	40.51 (8m) of the statutes is amended to read:
-0853.4	59.20 (3) (d) of the statutes is amended to read:
-3811.3	66.0137 (4) of the statutes is amended to read:
-3849.1	100.264 (2) (intro.) of the statutes is amended to read:
-3849.2	100.52 (1) (am) of the statutes is created to read:
-3849.3	100.52 (1) (bg) and (br) of the statutes are created to read:
-3849.4	100.52 (4) (a) 4. of the statutes is created to read:
-3849.5	100.52 (4) (a) 5. of the statutes is created to read:
-3849.6	100.52 (10) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:
-3811.4	111.91 (2) (kc) of the statutes is amended to read:
-3811.5	120.13 (2) (g) of the statutes is amended to read:
-0874.1	134.92 of the statutes is created to read:
-3806.1	146.81 (1) (fm) of the statutes is amended to read:
-3806.2	146.81 (4) of the statutes is amended to read:
-3806.3	146.82 (2) (a) 20. of the statutes is amended to read:
-3927.1	146.833 of the statutes is created to read:

-3806.4	146.84 (1) (d) of the statutes is created to read:
-3811.6	185.981 (4t) of the statutes is amended to read:
-3811.7	185.983 (1) (intro.) of the statutes is amended to read:
-3921.2	230.08 (4) (b) 5. of the statutes is created to read:
-2938.1	301.029 (2) (a) of the statutes is amended to read:
-3811.8	609.837 of the statutes is created to read:
-3811.9	610.65 of the statutes is created to read:
-1473.1	971.19 (11) of the statutes is created to read:
-1473.9309	Initial applicability; circuit courts.
-0852.9332	Initial applicability; legislature.
-2186.9459	Effective dates; other.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3774/F 1

JTK...:ch

DK, PK, RN, ML, PD, RK, RS, MK, GM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

By 4:15 today

LPS: Please turn off burning dots

Regenera to

1 **AN ACT** to renumber 19.37 (4) and 36.11 (35) (title); to renumber and amend
2 36.11 (35); to amend 40.51 (8), 40.51 (8m), 59.20 (3) (d), 66.0137 (4), 100.264
3 (2) (intro.), 100.52 (10), 111.91 (2) (kc), 120.13 (2) (g), 146.81 (1) (fm), 146.81 (4),
4 146.82 (2) (a) 20., 185.981 (4t), 185.983 (1) (intro.) and 301.029 (2) (a); and to
5 create 13.0991, 19.32 (1bg), (1dm), (2g) and (4), 19.356, 19.36 (10), 19.37 (2) (c),
6 19.37 (4) (b) and (c), 22.21, 36.32 (1), 40.07 (4), 100.52 (1) (am), 100.52 (1) (bg)
7 and (br), 100.52 (4) (a) 4., 100.52 (4) (a) 5., 134.92, 146.833, 146.84 (1) (d), 230.08
8 (4) (b) 5., 609.837, 610.65 and 971.19 (11) of the statutes; relating to: the use
9 of a person's social security number in his or her student identification number
10 at private institutions of higher education; prohibiting showing social security
11 numbers on insurance identification cards; department of corrections contracts
12 involving prisoner access to an individual's date of birth; requiring pharmacies
13 to keep patient health care records confidential; access to certain public records
14 containing personally identifiable information; ^{the} place of trial for persons
15 charged with certain crimes; use of social security numbers as medical

Insert 2-6

1 identifiers; access to certain public records containing social security account
 2 numbers of individuals; prohibiting the disclosure of information on credit card
 3 receipts for the purchase of motor fuel; preparation of privacy impact
 4 statements for bills that would impact personal privacy; prohibiting certain
 5 telephone solicitations; appointment of certain officers in the department of
 6 electronic government and providing penalties.

INS 2A

Analysis by the Legislative Reference Bureau

~~*** ANALYSIS FROM 2186/1 ***~~

Under current law, the University of Wisconsin System, a technical college district board, a school board, and the governing body of a private school are prohibited from assigning to any student an identification number that is identical to or incorporates the student's social security number.

Beginning January 1, 2008, this bill extends this prohibition to private institutions of higher education located in this state.

~~*** ANALYSIS FROM 3811/1 ***~~

This bill prohibits an identification card, or other similar identification device, that is issued to an insured or enrollee from showing the insured's or enrollee's social security number as an identification number or in any other manner. The prohibition applies to an insurer; a risk-sharing plan, including the state health insurance risk-sharing plan; the private employer health care coverage program established by the department of employee trust funds; and any self-insured plan of the state or a county, city, village, town, or school district. Current law does not address information shown on insurance identification cards or prohibit using a person's social security number as, or in, the person's insurance identification number.

Prohibiting social security numbers on insurance cards

~~*** ANALYSIS FROM 2938/1 ***~~

Under current law, the department of corrections (DOC) is prohibited from entering into any contract that would result in a prisoner performing data entry or telemarketing services and having access to an individual's financial transaction card numbers, checking or savings account numbers, or social security number. This bill adds an individual's date of birth to the list of information that a prisoner may not have access to while doing data entry or telemarketing services under a contract entered into by DOC.

~~*** ANALYSIS FROM 3806/1 ***~~

Under current law, all records related to the health of a patient that are prepared by or under the supervision of a health care provider (patient health care records) are confidential and may be released only to persons with the informed consent of the patient or of a person authorized by the patient. There are numerous exceptions to this prohibition, including the instance in which the patient health care

sub-sub
Prohibiting prisoners who perform data entry from having access to an individual's date of birth

Requiring pharmacies to keep patient health care records confidential

records and the circumstances of the release do not provide information that would permit the patient to be identified. Both civil liability and criminal penalties apply to violations related to the unauthorized release of patient health care records. Also under current law, the pharmacy examining board may deny, revoke, suspend, or limit the license of or reprimand a pharmacy or pharmacist that violates state law.

This bill expands the definitions of "health care provider," and "patient health care record," for the purposes of confidentiality of patient health care records, to include a pharmacy that is licensed by the pharmacy examining board. The bill also establishes civil liability for a person who obtains a patient health care record from a pharmacy or pharmacist under circumstances that constitute a violation of the patient health care confidentiality laws.

(Subs)
Access to public records
concerning personally identifiable information

~~*** ANALYSIS FROM -3922/1 ***~~
Under current law, any requester has a right to inspect or copy any public record unless otherwise provided under statutory or common law or unless, under a "balancing test" derived from common law, the custodian demonstrates that the public interest in withholding access to the record outweighs the strong public interest in providing that access. See s. 19.35 (1), stats., and *State ex rel. Youmans v. Owens*, 28 Wis.2d 672, 682-83 (1965) and *Hathaway v. Green Bay School District*, 116 Wis. 2d 388, 395-96 (1984). If a custodian fails to provide prompt access to a requested record or to make this demonstration, a requester may obtain a court order requiring a custodian to provide access to a record. See s. 19.37 (1), stats.

In *Woznicki v. Erickson*, 202 Wis.2d 178, 192-193 (1996), the Wisconsin supreme court held that a district attorney must notify any individual who is the subject of a record which the district attorney proposes to release to a requester prior to release, and that the individual may appeal a decision to release a record to circuit court, which must determine whether permitting access would result in harm to the privacy or reputational interests of the subject individual that outweigh the public interest in allowing access. In *Milwaukee Teachers Education Assn. v. Milwaukee Bd. of School Directors*, 227 Wis. 2d 779, 799 (1999), the supreme court expanded this decision to apply to all public records. There is no statutory basis for these decisions. The decisions also depart from the supreme court's previous decisions, which held that, unless otherwise provided, custodians have no obligation to withhold public records from access and no person may require them to do so. See *Newspapers, Inc. v. Brier*, 89 Wis.2d 417, 431-32 (1979) and *State ex rel. Bilder v. Twp. of Delavan*, 112 Wis.2d 539, 558 (1983).

This bill affirms current statutory law by providing that, unless otherwise specifically provided by statute, no custodian of a public record is required to notify an individual who is the subject of a record prior to providing to a requester access to a record containing information pertaining to that individual and that, unless otherwise provided by statute, no person is entitled to judicial review of the decision of a custodian to provide a requester with access to a public record.

However, the bill also creates a statutory procedure under which, with certain exceptions, individuals who are the subjects of public records relating to certain specific personnel matters may seek a court order to restrain state or local government officers or agencies from providing access to those records to third

parties if the subject individuals can demonstrate that the harm to their privacy or reputational interests resulting from disclosure of the information contained in those records outweighs the public interest in providing access to those records. Under the bill, if the officer or agency having custody of a public record receives a request to provide access to a record containing information relating to any of the personnel matters specified in the bill, the officer or agency must, before providing access, provide written notice to each subject individual of the officer's or agency's intent to provide access to the record. If a subject individual notifies the officer or agency, within 5 days, of his or her intent to seek a court order restraining release of the record and files an action seeking such an order within 10 days, the record may not be released unless the court so permits.

Sub-sub
Place of trial in criminal cases

~~*** ANALYSIS FROM -1473/P1 ***~~

Under current law, a defendant charged with a crime must generally be tried in the county in which the crime is committed. Current law also provides a number of exceptions to this general rule. For example, if a crime entails the commission of two or more acts, the defendant may be tried in any county in which any of the acts occurred.

Under this bill, a defendant charged with any of the following crimes may be tried in the defendant's county of residence, the victim's county of residence, or in any other county where the trial may be held under current law: 1) defamation; 2) giving false information for publication; 3) misappropriation of personal identifying information or personal identification documents; 4) theft of trade secrets; 5) threats to injure or accuse of crime; 6) threats to communicate derogatory information; 7) financial transaction card crimes; 8) computer crimes; 9) tampering with public records and notices; 10) unlawful use of telephone; and 11) unlawful use of computerized communication systems.

Sub-sub
Prohibiting Social Security numbers for certain patient identification

~~*** ANALYSIS FROM -3927/1 ***~~

This bill prohibits a health care provider from assigning to any patient an identification number that is identical to or that incorporates the patient's social security number. However, under the bill, a health care provider is not prohibited from requiring that the patient disclose his or her social security number or from using that number if a federal or state agency requires its use in order for the patient to participate in a particular program.

Sub-sub
Access to public records containing social security numbers of individuals

~~*** ANALYSIS FROM -0853/P1 ***~~

Currently, the custodian of the records of any state or local governmental unit must provide access to any public record in his or her custody unless otherwise authorized or required by law or unless the custodian demonstrates that the public interest in withholding access to the record outweighs the strong public interest in providing access to that record. Federal law prohibits state and local governmental units from disclosing social security account numbers under certain conditions.

This bill provides that, if a new record containing the social security account number of an individual, together with information revealing the identity of that individual, is kept by a state or local governmental unit on or after January 1, 2003, or if a record in the custody of a state or local governmental unit is modified to insert the social security account number of an individual on or after January 1, 2003, and

the record contains information revealing the identity of that individual, the custodian of the record must delete the social security account number before permitting access to the record, unless the person who requests access to the record is specifically authorized by federal or state law to have access to the social security account number.

The bill, however, permits the requester of a record to have access to the social security account number of an individual if:

1. The record pertains to that individual alone, to the marital or parental rights or responsibilities of that individual and his or her spouse or former spouse, to the property of that individual held jointly or in common with one or more other individuals, or to a civil lawsuit in which the individual is a specifically named party, and the individual provides appropriate identification; or

2. The requester is an authorized representative of an insurer or an organization that performs investigations for insurers and the social security account number is relevant to an investigation of suspected, anticipated, or actual insurance fraud.

The bill also provides that, if any person misrepresents his or her identity for the purpose of obtaining access to the social security account number of another individual, the person is subject to a forfeiture (civil penalty) of not more than \$1,000 for each social security account number obtained by means of misrepresentation. In addition, under the bill, if any insurer or other person obtains a social security account number and uses that number for purposes other than an investigation of suspected, anticipated, or actual insurance fraud, the person is subject to a forfeiture of not more than \$1,000 for each social security account number used by the person for unauthorized purposes.

Sub-sub
Credit card
Receipts
issued at
motor fuel pumps

~~*** ANALYSIS FROM -0874/P1 ***~~

This bill prohibits a person who sells motor fuel from doing so by the use of a pump that allows a purchaser to insert a credit card if the pump issues a receipt that contains more than the last four digits of the credit card number.

Sub-sub
Privacy
Impact
Statements

~~*** ANALYSIS FROM -0852/2 ***~~

This bill provides that whenever a bill is introduced in either house of the legislature that would have an impact upon personal privacy, any standing committee to which the bill is referred must not hold a public hearing on the bill or report the bill until a privacy impact statement is prepared and received. The statement is prepared by one or more state agencies or authorities, as determined by the department of administration. The statement describes the impact upon personal privacy that would result from enactment of the bill and analyzes the desirability of that impact from the standpoint of public policy. The bill also permits either house of the legislature, under rules of that house or joint rules, to request the department of administration to order the preparation of a privacy impact statement with respect to any bill before that house, either in its original form or as affected by one or more amendments.

Under the bill, a bill has an impact on personal privacy if the bill would:

1. Provide for the creation of additional personally identifiable information that is not readily available to the public at the time the bill is introduced;

Subsub = *Telephone solicitations*

- 2. Create an activity that would constitute an intrusion upon the privacy of an individual, or alter an activity in such a way as to create such an intrusion;
- 3. Use the name, picture, or likeness of an individual without the consent of the individual, or the consent of the individual's parent or guardian if the individual is a minor; or
- 4. Permit or cause publicity to be given to the private life of an individual.

***** ANALYSIS FROM 3849/1 *****

The bill prohibits a telephone solicitor or employee or contractor of a telephone solicitor from using a blocking service that defeats caller identification when making a telephone solicitation. The bill also prohibits such a person from using an automatic dialing system in making a telephone solicitation if the system is used in such a way that two or more telephone lines are engaged simultaneously. A person who violates these prohibitions may be subject to a forfeiture of not more than \$500, except that if the violation concerns a telephone solicitation to an elderly or disabled person a supplemental forfeiture of not more than \$10,000 may apply. The department of agriculture, trade and consumer protection (DATCP) has enforcement authority regarding the prohibition.

The bill also increases the forfeitures under current law for violating other requirements regarding telephone solicitations. Under current law, a telephone solicitor or employee or contractor of a telephone solicitor who makes a telephone solicitation to a residential customer listed in a nonsolicitation directory maintained by DATCP is subject to a forfeiture of \$100. The same forfeiture applies if a telephone solicitor or employee or contractor of a telephone solicitor makes a telephone solicitation to a residential customer who has previously notified the telephone solicitor by mail that he or she does not wish to receive telephone solicitations. This bill increases these forfeitures to not more than \$500. Also under current law, a telephone solicitor that requires an employee or contractor to make a telephone solicitation that violates the law is subject to a forfeiture of not more than \$100. The same forfeiture applies if the telephone solicitor has not registered with DATCP. This bill increases these forfeitures to not more than \$10,000. Finally, under the bill, a person who violates any of the foregoing requirements may be subject to a supplemental forfeiture of not more than \$10,000 if the violation involves a telephone solicitation to an elderly or disabled person.

***** ANALYSIS FROM 3921/1 *****

Under current law, the department of electronic government (DEG) has general responsibility, with certain exceptions, for management of the state's information technology and telecommunications systems, applications, infrastructure, and information resources, and human resources devoted to developing and maintaining information technology systems. DEG is headed by the state chief information officer.

This bill directs the chief information officer to appoint employees of DEG to serve as a privacy information officer and a security information officer. The privacy information officer is directed to provide information to employees of DEG and other persons who are or may be the subject of any information maintained or processed by DEG concerning applicable laws, rules, and regulations governing the protection

Subsub
Privacy and security officers

Insert A ↓

of privacy. The security information officer is directed to ensure the security of information maintained or processed by DEG. Under the bill, the functions of the privacy information officer and security information officer may not be supervised by a division administrator whose position is included in the unclassified service.

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:

1 ~~*0852/21*~~ SECTION 1. 13.0991[↓] of the statutes is created to read:

2 **13.0991 Privacy impact statements. (1)** In this section:

3 (a) "Authority" means a body created under ch. 231, 232, 233, 234, or 235.

4 (b) "Impact upon personal privacy" means that a bill would do one or more of
5 the following:

6 1. Provide for the creation of additional personally identifiable information
7 that is not readily available to the public at the time the bill is introduced.

8 2. Create an activity that would constitute an intrusion upon the privacy of an
9 individual, or alter an activity in such a way as to create such an intrusion.

10 3. Use the name, picture, or likeness of an individual without the consent of the
11 individual, or the consent of the individual's parent or guardian if the individual is
12 a minor.

13 4. Permit or cause publicity to be given to the private life of an individual.

14 (c) "Personally identifiable information" has the meaning given under s. 19.62

15 (5).

16 (d) "State agency" means an office, department, independent agency,
17 institution of higher education, association, society, or other body in state
18 government created or authorized to be created by the constitution or any law, which

1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, but not including an authority.

3 (2) (a) Whenever a bill is introduced in either house of the legislature that
4 would have an impact upon personal privacy, the legislative reference bureau shall
5 promptly transmit a copy of the bill to the department of administration.

6 (b) Either house of the legislature may, under rules of that house or joint rules
7 of the legislature, request the department of administration to order the preparation
8 of a privacy impact statement with respect to any bill before that house, either in its
9 original form or as affected by one or more amendments. If a house so requests, the
10 chief clerk of that house shall thereupon transmit a copy of that bill and any affected
11 amendments to the department of administration.

12 (3) Upon receipt of a bill under sub. (2), the department of administration shall
13 direct one or more state agencies or authorities to prepare a privacy impact
14 statement with respect to that bill. Each privacy impact statement shall describe the
15 impact upon personal privacy that would result from enactment of the bill and
16 analyze the desirability of that impact from the standpoint of public policy.

17 (4) Each state agency or authority receiving a bill under sub. (3) shall provide
18 the statement required under sub. (3) to the department of administration within 15
19 days after the department's directive.

20 (5) Upon receiving a privacy impact statement under sub. (4), the department
21 of administration shall provide one copy to the legislative reference bureau, one copy
22 to the principal author of the bill, and one copy to the chief clerk of the house of the
23 legislature in which the bill originated. The chief clerk shall thereupon distribute
24 the statement in the same manner as amendments to the bill are distributed.

1 (6) Whenever a bill requires preparation of a privacy impact statement under
2 this section, the legislative reference bureau shall include a notation to that effect
3 on the jacket of the bill when the jacket is prepared. If the preparation of a privacy
4 impact statement is requested by a house of the legislature, the chief clerk of that
5 house shall include a notation to that effect on the jacket of the bill.

6 (7) Whenever a privacy impact statement is required or requested for any bill
7 under this section, a standing committee to which the bill is referred may not hold
8 a public hearing on the bill or report the bill until the statement is received by the
9 chief clerk of the house in which the bill originated.

10 ~~*3922/1.1*~~ SECTION 2. 19.32 (1bg),[↓] (1dm),[↓] (2g)[↓] and (4)[↓] of the statutes are
11 created to read:

12 19.32 (1bg) "Employee" means an individual who is employed by an authority,
13 other than an individual holding a local public office or a state public office, or any
14 individual who is employed by an employer other than an authority.

15 (1dm) "Local public office" has the meaning given in s. 19.42 (7w).[↓]

16 (2g) "Record subject" means an individual about whom personally identifiable
17 information is contained in a record.

18 (4) "State public office" has the meaning given in s. 19.42 (13),[↓] but does not
19 include a position identified in s. 20.923 (6) (em) to (gm).[↓]

20 ~~*3922/1.2*~~ SECTION 3. 19.356[↓] of the statutes is created to read:

21 **19.356 Notice to record subject; right of action.** (1) Except as authorized
22 in this section or as otherwise provided by statute, no authority is required to notify
23 a record subject prior to providing to a requester access to a record containing
24 information pertaining to that record subject, and no person is entitled to judicial
25 review of the decision of an authority to provide a requester with access to a record.

1 (2) (a) Except as provided in pars. (b) and (c) and except as otherwise required
2 by law, an authority shall, before permitting access and within 72 hours after making
3 a decision to permit access to a record, notify any record subject to whom the record
4 pertains, either by certified mail with return receipt signed by the addressee or by
5 personally serving the notice on the record subject, if the record contains any of the
6 following:

7 1. Information concerning the authority's investigation into a disciplinary
8 matter relating to an employee or a possible violation by an employee of a policy of
9 the employee's employer, or of a statute, rule, regulation, or ordinance or in
10 connection with the employee's employment.

11 2. Information prepared or provided by an employer concerning the home
12 address or telephone number of an employee of that employer, if the employee has
13 not consented for the authority to provide access to that information.

14 3. Information relating to one or more employees that is used by the authority
15 or by the employer of the employees for staff management planning or employee
16 evaluation, including employee performance evaluations, judgments or
17 recommendations concerning future salary adjustments or other employee wage
18 treatments, management employee bonus plans, promotions, job assignments,
19 letters of reference, or other comments or ratings relating to individual employees.

20 4. Information pertaining to an employee's employment examination, except
21 an examination score if access to that score is not otherwise prohibited. This
22 subdivision does not apply to information relating to the hiring or recruitment
23 process that is exchanged between the department of employment relations and an
24 authority that is a unit of state government.

1 (b) Paragraph (a) does not apply to an authority who provides access to a record
2 pertaining to an employee to the employee who is the subject of the record or to his
3 or her representative to the extent required under s. 103.13[✓] or to a collective
4 bargaining representative to the extent required to fulfill a duty to bargain or
5 pursuant to a collective bargaining agreement under ch. 111.

6 (c) Paragraph (a) does not apply to access to a record produced in relation to a
7 function specified in s. 106.54[✓] or 230.45[✓] or subch. II of ch. 111[✓] if the record is provided
8 by an authority having responsibility for that function.

9 (3) The notice under sub. (2) (a) shall briefly describe the requested record and
10 include a description of the rights of the record subject under this section.

11 (4) Within 5 days after receipt of a notice under sub. (2) (a), any record subject
12 may provide written notification to the authority of his or her intent to seek a court
13 order restraining the authority from providing access to the requested record.

14 (5) Within 10 days after receipt of a notice under sub. (2) (a), any record subject
15 may commence an action seeking a court order to restrain the authority from
16 providing access to the requested record. If a record subject commences such an
17 action, the record subject shall name the authority as a defendant. The record
18 subject shall also join the requester as a party to the action under s. 803.03.[✓]

19 (6) An authority shall not provide access to a requested record within 12 days
20 of sending a notice pertaining to that record under sub. (2) (a). In addition, if the
21 record subject commences an action under sub. (5), the authority shall not provide
22 access to the requested record during pendency of the action. If the record subject
23 appeals or petitions for review of a decision of the court or the time for appeal or
24 petition for review of a decision adverse to the record subject has not expired, the
25 authority shall not provide access to the requested record until any appeal is decided,

1 until the period for appealing or petitioning for review expires, until a petition for
2 review is denied, or until the authority receives written notice from the record subject
3 that an appeal or petition for review will not be filed, whichever occurs first.

4 (7) If the record subject demonstrates that the harm to his or her privacy or
5 reputational interests caused by disclosure of the information contained in the
6 requested record outweighs the public interest in disclosure of that information, the
7 court shall restrain the authority from providing access to that record under s. 19.35
8 (1).¹

9 (8) The court shall not grant any request by a requester to delay the
10 proceedings. The court shall issue a decision within 10 days after the filing of the
11 summons and complaint and proof of service of the summons and complaint upon the
12 defendant and the requester, unless a party demonstrates cause for extension of this
13 period. In any event, the court shall issue a decision within 30 days after those filings
14 are complete.

15 (9) If a party appeals a decision of the court under sub. (8), the court of appeals
16 shall grant precedence to the appeal over all other matters not accorded similar
17 precedence by law.

18 ~~*-0853/P1.1*93-4129/6~~ SECTION 4. 19.36 (10)¹ of the statutes is created to read:

19 19.36 (10) SOCIAL SECURITY ACCOUNT NUMBERS. (a) Except as provided in par.
20 (b), if a new record containing a social security account number of an individual,
21 together with information revealing the identity of that individual, is kept by an
22 authority on or after January 1, 2003, or if a record in the custody of an authority is
23 modified to insert the social security account number of an individual on or after
24 January 1, 2003, and the record contains information revealing the identity of that
25 individual, the authority shall delete the social security account number before

1 permitting access to the record, unless the requester is specifically authorized by
2 federal or state law to have access to the social security account number.

3 (b) Unless otherwise provided by federal or state law, including common law
4 principles, a requester may have access to a record containing the social security
5 account number of an individual if any of the following applies:

6 1. The record pertains to that individual alone, to the marital or parental rights
7 or responsibilities of that individual and his or her spouse or former spouse, to
8 property of that individual held jointly or in common tenancy with one or more other
9 individuals, or to a civil legal action or proceeding in which the individual is a
10 specifically named party, and the individual provides appropriate identification to
11 the custodian.

12 2. The requester is an authorized representative of an insurer or an
13 organization that performs investigations for insurers and the social security
14 account number is relevant to an investigation of suspected, anticipated, or actual
15 insurance fraud.

16 ~~*0853/P1.3*~~ SECTION 5. 19.37 (2) (c) [↓] of the statutes is created to read:

17 19.37 (2) (c) This subsection does not apply to any action filed by a record subject
18 against an authority under s. 19.356.

19 ~~*0853/P1.2*~~ SECTION 6. 19.37 (4) [↓] of the statutes is renumbered 19.37 (4) (a).

20 ~~*0853/P1.3*~~ SECTION 7. 19.37 (4) (b) [↓] and (c) [↓] of the statutes are created to read:

21 19.37 (4) (b) If any person misrepresents his or her identity for the purpose of
22 obtaining access to the social security account number of another individual under
23 s. 19.36 (10) (a), the person may be required to forfeit not more than \$1,000 for each
24 social security account number obtained by the person by means of such
25 misrepresentation.

1 (c) If an insurer or other person obtains a social security account number under
2 s. 19.36 (10) (b) and uses that number for purposes other than an investigation as
3 provided in that paragraph, the person may be required to forfeit not more than
4 \$1,000 for each social security account number used by the person for such
5 unauthorized purposes.

6 ~~*-3921/1.1*~~ SECTION 8. 22.21[✓] of the statutes is created to read:

7 **22.21 Privacy and security information officers.** (1) The chief
8 information officer shall appoint an employee of the department to serve as a privacy
9 information officer. The privacy information officer shall provide information to
10 employees of the department and other persons who are or may be the subject of any
11 information maintained or processed by the department concerning applicable laws,
12 rules, and regulations governing the protection of privacy.

13 (2) The chief information officer shall appoint an employee of the department
14 to serve as a security information officer. The security information officer shall
15 ensure the security of information maintained or processed by the department.

16 ~~*-2186/1.1*~~ SECTION 9. 36.11 (35) (title)[✓] of the statutes is renumbered 36.32
17 (title).[✓]

18 ~~*-2186/1.2*~~ SECTION 10. 36.11 (35)[✓] of the statutes is renumbered 36.32 (2)[✓] and
19 amended to read:

20 36.32 (2) ~~The board~~ An institution of higher education may assign to each
21 student enrolled in the ~~system~~ institution a unique identification number. ~~The board~~
22 An institution of higher education shall not assign to any student an identification
23 number that is identical to or incorporates the student's social security number. This
24 subsection does not prohibit ~~the board~~ an institution of higher education from
25 requiring a student to disclose his or her social security number, nor from using a

1 student's social security number if such use is required by a federal or state agency
2 or private organization in order for the system or the student to participate in a
3 particular program.

4 ~~*-2186/1.3*~~ SECTION 11. 36.32 (1)[✓] of the statutes is created to read:

5 36.32 (1) In this section, "institution of higher education" means an institution
6 within the system, or a private educational institution located in this state that
7 awards a bachelor's or higher degree or provides a program that is acceptable toward
8 such a degree.

9 ~~*-3922/1.4*~~ SECTION 12. 40.07 (4)[✓] of the statutes is created to read:

10 40.07 (4) Section 19.356 does not apply to any request for information described
11 in this section.

12 ~~*-3811/1.1*~~ SECTION 13. 40.51 (8)[✓] of the statutes is amended to read:

13 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
14 shall comply with ss. 610.65, 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746
15 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855,
16 632.87 (3) to (5), 632.895 (5m) and (8) to (14), and 632.896.

17 ~~*-3811/1.2*~~ SECTION 14. 40.51 (8m)[✓] of the statutes is amended to read:

18 40.51 (8m) Every health care coverage plan offered by the group insurance
19 board under sub. (7) shall comply with ss. 610.65, 631.95, 632.746 (1) to (8) and (10),
20 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to (14).

21 ~~*-0853/P1.4*~~ SECTION 15. 59.20 (3) (d)[✓] of the statutes is amended to read:

22 59.20 (3) (d) Any register of deeds who in good faith makes an erroneous
23 determination as to the accessibility of a portion of a record, to members of the public
24 under s. 19.36 (6), is not subject to any penalty for denial of access to the record under
25 s. 19.37 (4) (a).

Insert
15-20

1 ~~*-3811/1.3*~~ SECTION 16. 66.0137 (4) of the statutes is amended to read:

2 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
3 a village provides health care benefits under its home rule power, or if a town
4 provides health care benefits, to its officers and employees on a self-insured basis,
5 the self-insured plan shall comply with ss. 49.493 (3) (d), 610.65, 631.89, 631.90,
6 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87
7 (4) and (5), 632.895 (9) to (14), 632.896, and 767.25 (4m) (d).

8 ~~*-3849/1.17*~~ SECTION 17. 100.264 (2) (intro.) of the statutes is amended to read:

9 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
10 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,
11 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 or
12 a rule promulgated under one of those sections, the person shall be subject to a
13 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the
14 defendant, for which the violation was imposed, was perpetrated against an elderly
15 person or disabled person and if the court finds that any of the following factors is
16 present:

17 ~~*-3849/1.2*~~ SECTION 18. 100.52 (1) (am) of the statutes is created to read:

18 100.52 (1) (am) "Automatic telephone dialing system" means equipment that
19 has the capacity to store or produce telephone numbers that are called using a
20 random or sequential number generator and to call such telephone numbers.

21 ~~*-3849/1.3*~~ SECTION 19. 100.52 (1) (bg) and (br) of the statutes are created to
22 read:

23 100.52 (1) (bg) "Blocking service" means a service that allows a person who
24 makes a telephone call to withhold his or her telephone number or name from a
25 person who receives the telephone call and who uses a caller identification service.

1 (br) "Caller identification service" means a service that allows a person who
2 receives a telephone call to identify the telephone number or name of the person
3 making the telephone call.

4 ~~*-3849/1.4*~~ SECTION 20. 100.52 (4) (a) 4. of the statutes is created to read:
5 100.52 (4) (a) 4. Use a blocking service when making a telephone solicitation.

6 ~~*-3849/1.5*~~ SECTION 21. 100.52 (4) (a) 5. of the statutes is created to read:
7 100.52 (4) (a) 5. In making a telephone solicitation, use an automatic telephone
8 dialing system in such a way that 2 or more telephone lines are engaged
9 simultaneously.

10 ~~*-3849/1.6*~~ SECTION 22. 100.52 (10) of the statutes, as created by 2001
11 Wisconsin Act 16, is amended to read:

12 100.52 (10) PENALTIES. (a) Except as provided in par. (b), a person who violates
13 this section may be required to forfeit \$100 not more than \$500 for each violation.

14 (b) A telephone solicitor that violates sub. (4) may be required to forfeit not
15 more than \$100 \$10,000 for each violation.

16 ~~*-3811/1.4*~~ SECTION 23. 111.91 (2) (kc) of the statutes is amended to read:

17 111.91 (2) (kc) Compliance with the insurance requirements under s. ss. 610.65
18 and 631.95.

19 ~~*-3811/1.5*~~ SECTION 24. 120.13 (2) (g) of the statutes is amended to read:

20 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
21 49.493 (3) (d), 610.65, 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747
22 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to (14), 632.896, and
23 767.25 (4m) (d).

24 ~~*-0874/P1.1*~~ SECTION 25. 134.92 of the statutes is created to read:

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1 **134.92 Motor fuel purchases with the use of a credit card.** No person may
2 sell motor fuel dispensed at a pump at which the purchaser may make payment for
3 the motor fuel by the insertion of a credit card unless no more than the last 4 digits
4 of the credit card number are displayed on any receipt issued automatically from the
5 pump.

6 ~~*-3806/1.1*~~ SECTION 26. 146.81 (1) (fm)¹ of the statutes is amended to read:

7 146.81 (1) (fm) A pharmacist or pharmacy licensed under ch. 450.

8 ~~*-3806/1.2*~~ SECTION 27. 146.81 (4) of the statutes is amended to read:

9 146.81 (4) "Patient health care records" means all records related to the health
10 of a patient prepared by or under the supervision of or owned by a health care
11 provider, including the records required under s. 146.82 (2) (d) and (3) (c), but not
12 those records subject to s. 51.30, reports collected under s. 69.186, records of tests
13 administered under s. 252.15 (2) (a) 7., 343.305, 938.296 (4) or (5) or 968.38 (4) or
14 (5), fetal monitor tracings, as defined under s. 146.817 (1), or a pupil's physical health
15 records maintained by a school under s. 118.125. "Patient health care records" also
16 includes health summary forms prepared under s. 302.388 (2).

17 ~~*-3806/1.3*~~ SECTION 28. 146.82 (2) (a) 20.¹ of the statutes is amended to read:

18 146.82 (2) (a) 20. If the patient health care records do not contain information
19 and the circumstances of the release do not provide information that would permit
20 the identification of the patient and, in the instance of a patient health care record
21 prepared by or under the supervision of a pharmacist or owned by a pharmacy,
22 identification of the patient's health care provider.

23 ~~*-3927/1.1*~~ SECTION 29. 146.833¹ of the statutes is created to read:

24 **146.833 Use of social security numbers prohibited.** A health care
25 provider may not assign to any patient an identification number that is identical to

1 or incorporates the patient's social security number. This section does not prohibit
2 the health care provider from requiring a patient to disclose his or her social security
3 number, or from using a patient's social security number if that use is required by
4 a federal or state agency in order for the patient to participate in a particular
5 program.

6 ~~*3806/1.4*~~ SECTION 30. 146.84 (1) (d)[↓] of the statutes is created to read:

7 146.84 (1) (d) Any person who obtains a patient health care record from a
8 pharmacy or pharmacist under circumstances that constitute a violation of s. 146.82
9 or 146.83 in a manner that is knowing and willful shall be liable to any person injured
10 as a result of the violation for actual damages to that person, exemplary damages of
11 not more than \$25,000, costs, and reasonable actual attorney fees.

12 ~~*3811/1.6*~~ SECTION 31. 185.981 (4t)[↓] of the statutes is amended to read:

13 185.981 (4t) A sickness care plan operated by a cooperative association is
14 subject to ss. 252.14, 610.65, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749,
15 632.85, 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to (14), and
16 632.897 (10) and chs. 149 and 155.

17 ~~*3811/1.7*~~ SECTION 32. 185.983 (1) (intro.)[↓] of the statutes is amended to read:

18 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
19 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
20 601.42, 601.43, 601.44, 601.45, 610.65, 611.67, 619.04, 628.34 (10), 631.17, 631.89,
21 631.93, 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85,
22 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to (14), 632.896,
23 and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
24 shall:

25 ~~*3921/1.2*~~ SECTION 33. 230.08 (4) (b) 5.[↓] of the statutes is created to read:

1 230.08 (4) (b) 5. Functions performed by the privacy information officer under
2 s. 22.21 (1) and functions performed by the security information officer under s. 22.21
3 (2).

4 ~~(*)-2938/1.1*~~ SECTION 34. 301.029 (2) (a)[↓] of the statutes is amended to read:

5 301.029 (2) (a) The department may not enter into any contract or other
6 agreement if, in the performance of the contract or agreement, a prisoner would
7 perform data entry or telemarketing services and have access to an individual's
8 financial transaction card numbers, checking or savings account numbers, date of
9 birth, or social security number.

10 ~~(*)-3811/1.3*~~ SECTION 35. 609.837[↓] of the statutes is created to read:

11 **609.837 Prohibiting social security numbers on identification cards.**
12 Defined network plans, preferred provider plans, and limited service health
13 organizations are subject to s. 610.65.

14 ~~(*)-3811/1.9*~~ SECTION 36. 610.65[↓] of the statutes is created to read:

15 **610.65 Prohibiting social security numbers on identification cards. (1)**
16 In this section, "insurer" means an insurer, as defined in s. 600.03 (27)[↓]; the state or
17 a city, village, town, or school district with respect to any self-insured plan; the
18 health insurance risk-sharing plan under ch. 149; the private employer health care
19 coverage program under subch. X of ch. 40; or a risk-sharing plan created under ch.
20 619.

21 (2) An identification card, or other similar identification device, that is issued
22 to an insured or enrollee by an insurer may not show the insured's or enrollee's social
23 security number as an identification number, as part of an identification number, or
24 in any other manner.

1 (3) The prohibition under this section applies to identification cards, or other
2 similar identification devices, that are in use on or after the first day of the 13th
3 month beginning after the effective date of this subsection [revisor inserts date].

Insert
21-3

4 ~~*-1473/P1.1*~~ SECTION 37. 971.19 (11) of the statutes is created to read:

5 971.19 (11) In an action under s. 942.01, 942.03, 943.201, 943.205, 943.30,
6 943.31, 943.41, 943.70, 946.72, 947.012, or 947.0125, the defendant may be tried in
7 the defendant's county of residence, in the victim's county of residence, or in any
8 other county in which the trial may be conducted under this section.

9 ~~*-1473/P1.9309*~~ SECTION 9309. Initial applicability; ~~circuits courts~~

10 (1) VENUE OF CRIMINAL TRIAL. ~~The act~~ first applies to criminal actions
11 commenced on the effective date of this subsection.

The treatment of section 971.19(11)

of the statutes

12 ~~*-0852/2.9332*~~ SECTION 9332. Initial applicability; legislature.

13 (1) PRIVACY IMPACT STATEMENTS. This act first applies with respect to bills
14 introduced in the 2001-03 legislative session and jacketed by the legislative
15 reference bureau after the effective date of this subsection.

16 ~~*-2186/1.9459*~~ SECTION 9459. Effective dates; ~~other~~

17 (1) The treatment of sections 36.11 (35) and 36.32 (1) of the statutes takes effect
18 on January 1, 2003.

19 (END)

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

The ~~treatment~~ creation of the 7 subm 13.0991 of the 5 statutes by