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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Children and Families (AC-CF)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

Moved by Representative Albers, seconded by Representative Jeskewitz that **Assembly Amendment 1 to Assembly Amendment 1** be recommended for introduction.

Ayes: (8) Representatives Kestell, Vos, Albers, Jeskewitz, Vukmir, Grigsby, Sinicki and Seidel.
Noes: (0) None.

INTRODUCTION OF ASSEMBLY AMENDMENT 1 TO ASSEMBLY AMENDMENT 1 RECOMMENDED, Ayes 8, Noes 0

Moved by Representative Vos, seconded by Representative Jeskewitz that **Assembly Amendment 1 to Assembly Amendment 1** be recommended for adoption.

Ayes: (8) Representatives Kestell, Vos, Albers, Jeskewitz, Vukmir, Grigsby, Sinicki and Seidel.
Noes: (0) None.

ASSEMBLY AMENDMENT 1 TO ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED, Ayes 8, Noes 0

Moved by Representative Albers, seconded by Representative Jeskewitz that **Assembly Amendment 1** be recommended for adoption as amended.

Ayes: (8) Representatives Kestell, Vos, Albers, Jeskewitz, Vukmir, Grigsby, Sinicki and Seidel.
Noes: (0) None.

ADOPTION AS AMENDED OF ASSEMBLY AMENDMENT 1 RECOMMENDED, Ayes 8, Noes 0

Moved by Representative Albers, seconded by Representative Jeskewitz that **Assembly Bill 1029** be recommended for passage as amended.

Ayes: (7) Representatives Kestell, Vos, Albers, Jeskewitz, Grigsby, Sinicki and Seidel.
Noes: (1) Representative Vukmir.

PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 1

David Matzen
Committee Clerk

AS 19 20 AS 2

Vote Record Committee on Children and Families

Date: 3-1-06

Moved by: Albers Seconded by: Jeskewitz

AB 1029 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt 1 to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for: AS Amended
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

| <u>Committee Member</u> | <u>Aye</u> | <u>No</u> | <u>Absent</u> | <u>Not Voting</u> |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Representative Steve Kestell, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Robin Vos | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Sheryl Albers | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Suzanne Jeskewitz | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Leah Vukmir | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Tamara Grigsby | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Christine Sinicki | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Donna Seidel | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Totals: | <u>8</u> | <u>0</u> | <u>0</u> | <u>0</u> |

Motion Carried Motion Failed

Vote Record Committee on Children and Families

Date: 3-1-06

Moved by: ALBERS Seconded by: JESKEWITZ

AB 1029 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
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Be recommended for: as amended
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

| <u>Committee Member</u> | <u>Aye</u> | <u>No</u> | <u>Absent</u> | <u>Not Voting</u> |
|--|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Representative Steve Kestell, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Robin Vos | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Representative Suzanne Jeskewitz | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Representative Donna Seidel | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Totals: | <u>7</u> | <u>1</u> | <u>0</u> | <u>0</u> |

Motion Carried Motion Failed

Albers

Vote Record Committee on Children and Families

Date: 3-1-06

Moved by: Albers

Seconded by: Jeskewitz

AB 1029

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt 1 to A/S Amdt 1

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage
 - Adoption
 - Confirmation
 - Concurrence
 - Indefinite Postponement
 - Introduction
 - Rejection
 - Tabling
 - Nonconcurrence

| <u>Committee Member</u> | <u>Aye</u> | <u>No</u> | <u>Absent</u> | <u>Not Voting</u> |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Representative Steve Kestell, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Robin Vos | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Sheryl Albers | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Suzanne Jeskewitz | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Leah Vukmir | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Tamara Grigsby | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Christine Sinicki | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Donna Seidel | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Totals: | <u>8</u> | <u>0</u> | <u>0</u> | <u>0</u> |

Motion Carried Motion Failed



Personal Development Center, Inc.

Clark County Outreach Program

216 Sunset Place • Neillsville, Wisconsin 54456

715/743-6401

FAX 715/743-6403

*Serving the Greater
Marshfield Community
for over 20 years...*

February 8, 2006

AB 1029 ?

Assemblyman Scott Suder
State Capitol
P.O. Box 8953
Madison, WI 53708

Chairman Steve Kestell-
Children and Family
State Capitol
P.O. Box 8952
Madison, WI 53707

Re: WI Stats. 767.085(1)(a), 767.05(4), 802.04(1)

Dear Assemblyman Suder and Chairman Kestell,

Please consider my support for the proposed statute 767.085(1m) that would allow a petitioner in family court to elect not to provide an address if domestic abuse has been alleged.

Personal Development Center has been located in Marshfield for over 20 years, providing advocacy for persons in a current or past abusive relationship in Wood and Clark counties. The Clark County Outreach Program was developed in 1998. The need for these programs to address the issue of domestic violence continues to grow yearly.

For instance in the years 2004 and 2005 my records show that the number of Temporary Restraining Orders grew by nine cases, and the number of Domestic Abuse Injunctions grew by a substantial twenty-two cases. It is my observation that the cases that I manage are getting much more deeply involved. Another thing I have noticed is that the number of participants asking for direction in obtaining a divorce has risen sharply in the past year, especially in the past several months.



It is a very real fear for many of the participants in this program to know that the progress and safety they have known after the separation from a spouse, and possibly a concurring Injunction may be lost due to the pending family court matter. It is detrimental to the participant, regardless of gender, to have something that many of us take for granted, safety.

Thank you for your consideration in this matter.

Respectfully,

Lori Boushon
Crisis Case Manager/Domestic Abuse Advocate

Cc: The Honorable Jon M. Counsell
Senator Dave Zien



ELORANTA LAW OFFICE

JOHN T. STICHERT
ASSOCIATE

JOAN D. ELORANTA
ATTORNEY AT LAW

JOHN D. DAY
(1931-1995)

MATTHEW K. PRIOR
ASSOCIATE

635 HEWETT STREET
P.O. BOX 85
NEILLSVILLE, WI 54456

ANGELA R. CAMPBELL
ASSOCIATE

PHONE: 715-743-8257

FAX: 715-743-8261

BY FACSIMILE AND U.S. MAIL

February 14, 2006

AB 1029?

Assembly Committee on Children and Family
Chairman Steve Kestell
P.O. Box 8952
Madison, WI 53708

Assemblyman Scott Suder
P.O. Box 8953
Madison, WI 53708

**RE: 2005 Bill, Disclosure of Address of Victim
of Domestic Violence in Divorce Petition**

Dear Members of the Committee on Children and Family,

I apologize for not being available to meet with you in person on Thursday, February 16, 2005, the day set for a Hearing on this Bill. However, I hope you will consider my comments in this letter with regard to why I proposed the need for this legislation to Assemblyman Suder.

Currently, Wisconsin Statute 767.085, which addresses the contents of Divorce Petitions and Responses, states that a Divorce Petition shall state "the facts relating to the residence of both parties." However, Wisconsin Statute 767.05(4) provides that "all references to a 'complaint' in chs. 801 to 807 shall apply to petitions under s. 767.085." Review of chapters 801 to 807 produces Wis. Stat. 802.04 which requires that "the title of the action shall include the names and addresses of all the parties..."

The Clark County Circuit Court interprets the application of 802.04 to mean that Divorce Petitions drafted under 767.085 must contain the address of all parties.

It is an unfortunate truth that Clark County resources seem to be stretched thin when it comes to combating what appears to be a growing problem of domestic violence in this county. Relying completely on the numbers walking through our law office door, cases of domestic violence and restraining orders seem to be increasing, as do the number of clients seeking divorces who are alleging both previously reported and unreported instances of domestic violence, some quite severe in nature.

The statistics regarding victims of domestic violence who separate from their abusers are staggering. The 1995 Bureau of Justice Statistic National Crime Victimization Study indicated that the victimization rate of women **separated** from their husbands was almost three times higher than the rate of divorced women and almost twenty-five times higher than that of married women. These statistics are supported by a 2000 book written by author Jody Raphael (*Saving Bernice: Battered Women, Welfare and Poverty.*) Raphael states that while only ten percent of all women in this country can be classified as divorced or separated, those same divorced and separated women account for seventy-five percent of battered women. Furthermore, divorced and separated women report being physically abused at a rate fourteen times more often than women who are still living with their partners. (page 61)

As family law attorneys, we must be equipped with a method by which to protect our clients, once they have found the fortitude to leave their abuser. Victims of domestic violence who have the courage to work with a counselor, to establish safety plans and create a means by which to leave their situation should not be discouraged from filing for divorce due to concerns for their safety.

Thank you for taking the time to consider this bill. Although it may appear to provide a quite simple change in the statute, it does in fact provide a level of protection for those individuals who have found the courage to place themselves at great harms risk by leaving the abusive situation in which they live.

Thank you again for your time. Depending on what time the Hearing convenes, if I am out of Court, I will be available by phone if you have any questions or comments.

Sincerely,


Attorney Angela R. Campbell

Cc: Attorney Joan Eloranta
Clark County Outreach Crisis Case Manager Lori Boushon





State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection

Rod Nilsestuen, Secretary

February 22, 2006

The Honorable Steve Kestell, Chair
Committee on Children and Families

Re: AB 1029 relating to creating a family and school communications protection registry.

Dear Representative Kestell:

Thank you for permitting the Department of Agriculture, Trade & Consumer Protection the opportunity to comment on AB 1029.

While this bill is important in protecting children from harmful and potentially damaging communications, it does not go far enough in protecting our children. In addition there are numerous issues with the drafting that present a problem for the administration and enforcement of the registry program. Therefore, in its present form, **we are unable to support AB 1029.**

This bill requires DATCP to create a family and school communications protection registry. A parent, guardian, or legal custodian of a minor may request that DATCP include in the registry an electronic mail address, a wireless telephone number, or certain other electronic contact information (contact point) that pertains to the person making the request or to the minor. The bill would also permit an administrator or a school or state institution that primarily serves minors to register an Internet domain name associated with the school or institution, if a minor may obtain an electronic mail address that contains the domain name.

As drafted, the bill permits DATCP to monitor restricted messages that contain obscene material or depict sexually explicit conduct. This is extremely difficult for courts, let alone, a state agency to do. Pursuant to Sec. 944.21, Stats., one has to determine the "contemporary community standard" in order to determine whether something is obscene. DATCP has no way of determining "contemporary community standards" or discovering if, when, and how those standards change over time.

Moreover, unlike similar legislation in other states that include in the definition of restricted message a number of items that are harmful to children or illegal for children

Agriculture generates \$51.5 billion for Wisconsin

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February 22, 2006

Page 2 of 2

to have in their possession or to own such as tobacco or alcohol, this legislation is limited to "obscene" material and sexually explicit conduct.

It is important to note that this bill anticipates funding through fees that are charged for "scrubbing" lists to be sufficient to pay for staff and services to administer and enforce the law. In Utah, where this concept has been in place for a short period of time, officials report that most of the lists that are submitted for scrubbing are for products other than sexually explicit or obscene material. If this is the case, Wisconsin can expect far less program revenue than other states report.

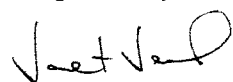
Another issue with the bill is it only allows parents, guardians and legal custodians of minors to register a contact point that pertains to the minor or to the parent. Other states permit a parent, guardian or individual who is responsible for a contact point to which a minor may have access to register that contact point. Children have access to computers at numerous locations. Any contact point that can come into contact with a child should be registered: an aunt, a grandparent, a teacher, a babysitter.

Finally, the draft sets up a rules process that will have the department write an emergency rule, which assumes creation of the list and hiring staff to enforce, that will be in effect for nine months. Permanent rules, written under Chapter 227, Wis. Stats., take 24 months at a minimum to promulgate. Therefore after the emergency rule expires there will be a term of approximately thirteen months during which time there will be no rule, no list, no program revenue to support administration or writing of the permanent rule, and no protection for those who placed their contact points on the list under the emergency rule.

We do have plans to meet with the author to discuss these issues; however we wanted to committee to be aware, that in its present form, this bill would not do much more than attempt to make DATCP the Obscenity Police for the State of Wisconsin, a role that would be almost impossible for DATCP to fulfill.

We thank the Committee for the opportunity to provide written comments on AB 1029.

Respectfully,



Janet Jenkins

Administrator

Division of Trade & Consumer Protection





State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

Date: February 22, 2006
To: Assembly Committee on Children and Families
From: Michael Bormett, Policy and Budget Director and Interim Legislative Liaison
Re: **AB 1029 - A Family and School Communications Protection Registry**

A handwritten signature in black ink, appearing to read 'MB', is located to the right of the 'Re:' line of the letterhead.

The Department of Public Instruction (DPI) is submitting this statement on AB 1029 for **information only.**

DPI supports the idea behind AB 1029 of doing more to protect the state's school-age children and their families from unwanted and potentially harmful Internet solicitations and/or communications. The department has been assisting school districts and public libraries to comply with provisions of the 2000 federal Childrens Internet Protection Act (CIPA). CIPA requires any school or public library receiving federal E-rate or Library Services Technology Act (LSTA) funding to place filters on library computers with Internet access that must prevent patrons from gaining access to harmful visual materials.

DPI is also very concerned, however, with protecting the privacy of student records, of which school email accounts are a part. It is not yet clear to the department under AB 1029 just how the privacy of school and student email accounts will be adequately protected from potential use or distribution by potential vendors and/or solicitors. As such, the department cannot support the bill in its current form. DPI would appreciate the opportunity to work with the bill's author and staff from the Department of Agriculture, Trade and Consumer Protection to address these concerns.

Thank you for the opportunity to comment for information on AB 1029. If you have questions, please contact me at 266-2804 or Michael.Bormett@dpi.state.wi.us.





PO Box 2075 • Madison WI • 53701-2075
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Web site: www.fri-wi.org • E-mail: fri@fri-wi.org

TESTIMONY OF JULAINE K. APPLING
EXECUTIVE DIRECTOR
PUBLIC HEARING ON ASSEMBLY BILL 1029
COMMITTEE ON CHILDREN AND FAMILIES
WEDNESDAY, FEBRUARY 22, 2006

Thank you, Chairman Kestell and other committee members for the opportunity to present testimony today on Assembly Bill 1029. I am Julaine Appling, executive director of The Family Research Institute of Wisconsin, on whose behalf I speak today.

The Institute has worked for 20 years in Wisconsin's culture and government to strengthen and preserve marriage and family in our state. In that spirit, we support Assembly Bill 1029. We commend Representative Davis and Senator Kanavas for authoring the Family and School Communications Protection Act because we believe this measure will strengthen and protect our families, in particular our children, from technology-savvy predators. We urge the committee to quickly forward the bill to the full Assembly for a vote.

This is a bill that should have, as it has in other states, unanimous legislative support. It represents a significant step in ensuring that our children are not unwittingly exposed to inviting but decidedly unwholesome messages and materials.

As technology advances in quantum leaps, it is our children who often become the first and the best users of it. The National Center for Education Statistics reports that in 2003 50% of 9 year-old children were using the Internet. We can safely assume it's over 50% today. According to Symantec Corp, 76% of US children have at least one e-mail account. Blackberries and ever-more sophisticated and versatile cell phones are proliferating among our youth.

Unfortunately, while much good comes about because of this technology, in the hands of the wrong people, much harm can also be done. Instant messaging, SPAM e-mail, text messaging on cell phones are ready outlets for people who want to peddle their pornography and other messages and/or projects that are not suitable for minors—actually not suitable for anyone, but today we primarily talking about children.

Some have asserted that the younger a child is when exposed to pornography, the more likely he is to become addicted to it. I can certainly think of anecdotal situations that bear this out. Obviously, those in the pornography industry know and understand this concept. This multi-billion dollar industry is capitalizing on this ever-increasing, vulnerable segment of our population.

Assembly Bill 1029 allows Wisconsin to be one of the first states to implement cutting-edge technology that targets a specific problem by a specific industry, targeting a specific audience. This measure allows parents in particular to be better parents. It allows school district officials to

exercise more due diligence in protecting the minors in their charge from receiving information that could be harmful and is most often certainly offensive.

Assembly Bill 1029 is not an over-arching measure nor unduly broad. All it does is give parents and school officials an additional tool they can use to exercise due diligence regarding the minors for whom they are responsible.

In no way is Assembly Bill 1029 an abrogation of First Amendment rights. Courts have long held that while soliciting adults with offensive and even obscene material may be considered "free speech," it is not appropriate for children. The Federal Mail Preference Service, which was enacted in 1968 and allows parents to list their postal address as off-limits to pornographic mailings if a child under 19 lives in the household, shows it can be done--within the First Amendment parameters. The Family & School Communications Protection Act is the modern-day, cyber-world equivalent.

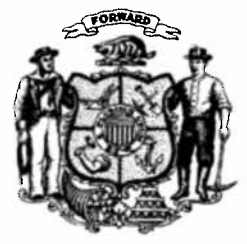
To not support this measure, it seems to me, means that one at least tacitly condones pornography purveyors peddling their pernicious wares to our children, seeking to ensnare them for life as users. The Family Research Institute of Wisconsin wholeheartedly supports this pro-active bill because we always support initiatives that enable parents to be better parents. When parents are better parents, families are strengthened and that is always good for Wisconsin.

Thank you for your time today. Again, I urge you to support Assembly Bill 1029 and to expedite it through the legislative process.

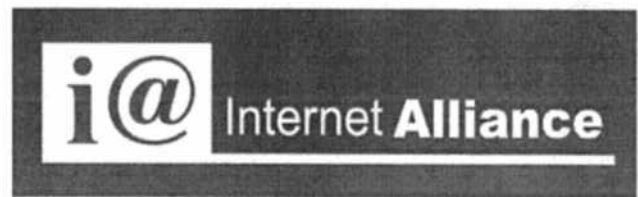
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WISCONSIN STATE LEGISLATURE



Emily Hackett, Executive Director
1111 19th Street, NW, Suite 1100
Washington, D.C. 20036
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Cell: 202-329-0017
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February 28, 2006

Honorable Steve Kestell, Chairman
Committee on Children and Families
Room 17 West, State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Assemblymember Kestell:

I am writing today to share my member interest in AB 1029, the family and school communications protection registry bill scheduled for a committee vote tomorrow.

My name is Emily Hackett, and I am the executive director of the Internet Alliance, the leading Internet trade association operating in the states. The IA represents a broad spectrum of Internet users including marketers, content providers, ISPs and consumers.

We recognize the problem of keeping children safe online. We applaud your desire to protect children from the predators that would target them through online accounts. However, we believe the creation of a registry will not protect children.

The IA believes that the protection of children from predators should be our highest priority. However, the Federal Trade Commission has warned that a child registry bill pending in Illinois is dangerous: "Because existing computer security techniques are inadequate to prevent the abuse of such a registry, (the registry) may provide pedophiles and other dangerous persons with a list of contact points for Illinois children." The Commission further commented that the registry: "is unlikely to reduce the amount of email spam received by registered email addresses."

IA members believe that more meaningful technological solutions exist that can keep inappropriate spam from ever reaching a child's inbox. The best way to control spam is to educate families to use the technology that already exists to divert or block it.

Many email services offer free institutional filters that automatically divert spam away from inboxes into a "delete" folder. Several email services also allow the installation of personal filters that work in conjunction with email software that automatically delete spam by keywords, by sender or by address. These programs give the consumer a way to banish spam from their inbox with NO cost to the state or any consumer.

Many Internet Service Providers (ISPs) offer email and Internet Website filtering software that can be individually hand tailored for a particular family's needs. Families are unique and their filtering solutions will also be unique. For example, protection levels for an eight-year-old could be set much higher than for a teenager. Parents could choose to block specific types of spam and/or Web pages such as all spam that contains pornography or any Website that promotes violence or racism.

Families should have the ability to evaluate what their specific needs are and select the correct filtering levels for them. Families have the option of downloading free spam filtering software directly from the Internet. Two examples of additional free and easy-to-use spam blockers are: Cloudmark SafetyBar and MailWasher V5.

IA members believe if families use the latest anti-spam and browsing technologies available and educate themselves on how to use them, they should have few problems protecting their children online, and they would avoid placing their children at risk as explained by the FTC with an email registry.

Thank you for taking the time to listen to our concerns. Please let me know if you would like to meet with me, or one of my members, to discuss these issues further.

Sincerely,

Emily Hackett

cc: Committee on Children and Families





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE STEVE KESTELL AND MEMBERS OF THE ASSEMBLY
COMMITTEE ON CHILDREN AND FAMILIES

FROM: Anne Sappenfield, Senior Staff Attorney

RE: Assembly Amendment 1 to 2005 Assembly Bill 1029, Relating to Creating a Family and
School Communications Protection Registry, and Assembly Amendment __ (LRBa2565/1)
to Assembly Amendment 1

DATE: March 1, 2006

This memorandum describes the major provisions of Assembly Amendment 1 to 2005 Assembly Bill 1029, relating to creating a family and school communications protection registry, and Assembly Amendment __ (LRBa2565/1) to Assembly Amendment 1.

Assembly Bill 1029 requires the Department on Agriculture, Trade and Consumer Protection (DATCP) to create a family and school communications protection registry. Under the bill, a parent, guardian, or legal custodian of a minor may request that DATCP include in the registry an electronic mail address, a wireless telephone number, or certain other electronic contact information ("contact point"). The bill prohibits sending certain types of solicitations, identified in the bill as restricted messages, to a contact point that has been registered for more than 30 days. Also, an administrator of a school or state institution that primarily serves minors may register an Internet domain name associated with the school or institution if a minor may obtain an electronic mail address that contains that domain name. The bill contains civil and criminal penalties for violating the provisions of the bill.

Assembly Substitute Amendment 1 makes the following changes to the bill:

- Under the substitute amendment, a parent, guardian, or legal custodian of a minor may register a contact point for which the parent, guardian, or legal custodian *is responsible* if the contact point *may be accessed* by a minor. Under the bill, a parent, guardian, or legal custodian of a minor may register a contact point that *pertains* to the minor or to the parent, guardian, or legal custodian.
- The substitute amendment permits an institution that serves minors, instead of a *state* institution that serves minors, to register an Internet domain name associated with the school

or institution, if a minor may obtain an electronic mail address that contains that domain name.

- The substitute amendment deletes the requirement that DATCP notify the Department of Justice when it receives a report that a message has been sent in violation of the bill.
- For a private cause of action brought by a parent, guardian, or legal custodian against a person who has sent a prohibited message a registered contact point, the substitute amendment specifies that the damages for such an action is the greater of the following: (a) the amount of actual damages sustained by the parent, guardian, or legal custodian; (b) an amount equal to \$1,000 per message sent to a registered contact point; or (c) an amount equal to \$3,000 per message sent to a registered contact point if the message is viewed by a minor.
- The substitute amendment deletes a provision under which a person may not be subject to civil penalties under the bill or a private action for a violation of the bill if the person has, in good faith, used the verification procedure to verify whether certain contact points are registered within the 30-day period immediately preceding the violation.
- Instead of requiring DATCP to promulgate emergency rules relating to the family and school communications protection registry, the substitute amendment exempts from the definition of “rule” in ch. 227, Stats., DATCP’s procedures for the creation, maintenance, and updating of the registry and the verification procedures for verifying that a contact point is not registered.

Assembly Amendment __ (LRBa2565/1) to the substitute amendment corrects a typographical error in the substitute amendment. Also, the amendment modifies the definition of “restricted message” under the bill. Under the bill, a “restricted message” means any communication in which the primary purpose is to encourage the recipient to *purchase or view* obscene material or material that depicts sexually explicit conduct. The amendment deletes “or view” so that a restricted message must have the primary purpose of encouraging the recipient to *purchase* obscene material or material that depicts sexually explicit conduct.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

AS:tlu



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Announced Actions for November 1, 2005

Issuance of staff comments: The Commission has authorized the staffs of the Office of Policy Planning, Bureau of Consumer Protection, and Bureau of Economics to file comments with Illinois State Representative Angelo "Skip" Saviano regarding *Illinois HB 0572*, a bill designed to protect children from unwanted commercial messages that advertise products or services they are prohibited from buying or that contain adult advertising or links to adult content. The bill would require the Illinois attorney general to establish a Child Protection Registry and make it illegal for anyone to initiate a commercial message or communication to anyone on the Registry if the message advertises products or services a minor child cannot buy, contains adult content, or links to such content. Specifically, Rep. Saviano asked the FTC staff whether the bill would reduce the amount of unwanted e-mails (spam) and what impact it might have on the state's consumers and competition.

According to the FTC staff's comments, which can be found as a link to this press release on the Commission's Web site, because existing computer security techniques are inadequate to prevent the abuse of such a registry, the bill may provide pedophiles and other dangerous people with a list of contact points for children in Illinois – exactly the opposite of its intent. In addition, the bill is unlikely to reduce the amount of spam received by people on the Registry, and may actually have the unintended consequence of increasing the amount of spam they receive, as it would provide spammers with a mechanism for verifying e-mail addresses. Finally, the proposed registry likely would impose substantial costs on legitimate e-mail marketers and could hamper competition by Internet merchants and cause consumers to no longer receive information they value.

The Commission vote authorizing the filing of the staff comments was 4-0. (FTC File No.V06000; the staff contacts are Maureen K. Ohlhausen, Office of Policy Planning, 202-326-2632; and Daniel R. Salsburg, Bureau of Consumer Protection, 202-326-3402.)

Publication of Federal Register notice: The Commission has approved the publication of an advance notice of proposed rulemaking in the Federal Register to examine the effectiveness of the *FTC's Appliance Labeling Rule (16 C.F.R. Part 305)*. The notice will be published shortly and can be found on the Commission's Web site as a link to this press release. As directed by Section 137 of the Energy Policy Act of 2005, the FTC has initiated this rulemaking to consider the effectiveness of the consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency. The Commission is seeking comments on a broad range of issues, including the design and content of the current EnergyGuide label and possible alternative label designs. As part of this rulemaking, the Commission is also conducting a review of the Rule's overall costs and benefits as part of the FTC's ongoing review of its rules and guides. Comments are due to the FTC by January 13, 2006.

The Commission vote approving publication of the Federal Register notice was 4-0. (FTC File No.R511994; the staff contact is Hampton Newsome, Bureau of Consumer Protection, 202-326-2889.)

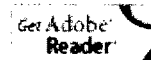
Commission approval of final consent order: Following a public comment period, the Commission has approved the issuance of a final consent order in the matter concerning *Penn National Gaming, Inc. and Argosy Gaming Company*. The final order amended the proposed order accepted for public comment on July 26, 2005, to reflect changes in the timing of the acquisition and changes in the contracts divesting a casino in Baton Rouge, LA. **The Commission vote to approve the final consent order was 4-0.** (FTC File No.051-0029; Docket No. C-4143; the staff contact is Joseph Lipinsky, FTC Northwest Region, Seattle, 206-220-4473; see press release dated July 27, 2005.)

Copies of the documents mentioned in this release are available from the FTC's Web site at

FTC Staff Comment to Honorable Angelo "Skip" Saviano Concerning H.B. 0572 to Create a Protection Registry (October 2005) (V06000)

16 C.F.R. Part 305: The Appliance Labeling Rule Advance Notice of Proposed Rulemaking and Request for Public Comment On the Effectiveness of the Appliance Labeling Rule, Its Overall Costs and Benefits, and Its Regulatory and Economic Impact; and Request for Suggestions for Improvement To the Energy Labeling Program

In the Matter of Penn National Gaming, Inc. File No. (



<http://www.ftc.gov> and also from the FTC's Consumer Response Center, Room 130, 600 Pennsylvania Avenue, N.W., Washington, DC 20580. Call toll-free: 1-877-FTC-HELP.

MEDIA CONTACT:

Office of Public Affairs
202-326-2180

(<http://www.ftc.gov/opa/2005/11/fyi0577.htm>)

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REGISTER YOUR HOUSEHOLD'S E-MAIL ADDRESSES

There are four steps to register your children's e-mail addresses on the Child Protection Registry:

1. Enter any e-mail addresses used by your household that children may access.
2. Enter your home zip code and, optionally, a parental notification e-mail address.
3. Check for errors. If correct, submit the registration for confirmation.
4. Check each e-mail account you registered in Step 1 for a confirmation message from register@UtahKidsRegistry.com. Read each message and follow the instructions to complete the addresses' registration.

[Utah Kids Registry Home](#)[Register Your Children](#)[Registration for Schools and Institutions](#)[Enter Confirmation Code \(7-Digit Code\)](#)[Check or Edit Registration Settings](#)[File a Complaint](#)[Sender Compliance Center](#)[Get Help and Information](#)

Pursuant to Utah Code Ann. § 13-39-102(3)(c): "No solution is completely secure. The most effective way to protect children on the Internet is to supervise use and review all email messages and other correspondence. Under law, theft of a contact point from the Child Protection Registry is a second degree felony. While every attempt will be made to secure the Child Protection Registry, registrants and their guardians should be aware that their contact points may be at a greater risk of being misappropriated by marketers who choose to disobey the law."

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