

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 99**

January 31, 2008 – Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT** *to repeal* 100.52 (10) (b); *to renumber and amend* 100.52 (10) (a); *to*
2 *amend* 100.52 (1) (f), 100.52 (2) (b), 100.52 (2) (d), 100.52 (3) (a), 100.52 (4) (a)
3 3. and 100.52 (4) (c); and *to create* 100.52 (3) (am) and 893.93 (5) of the statutes;
4 **relating to:** prohibitions against certain telephone solicitations and providing
5 a penalty.

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

6 **SECTION 1.** 100.52 (1) (f) of the statutes is amended to read:
7 100.52 (1) (f) “Residential customer” means an individual who is furnished
8 with ~~basic local exchange~~ telecommunications service ~~by a telecommunications~~
9 ~~utility~~, but does not include an individual who operates a business at his or her
10 residence.

11 **SECTION 2.** 100.52 (2) (b) of the statutes is amended to read:

1 100.52 (2) (b) The department shall promulgate rules for establishing,
2 maintaining, and ~~semiannually~~ quarterly updating a directory that includes listings
3 of residential customers who do not wish to receive telephone solicitations made on
4 behalf of telephone solicitors. The rules promulgated under this paragraph shall
5 establish requirements and procedures for a residential customer to request a listing
6 in the directory. The rules shall also require a residential customer who requests a
7 listing in the directory to notify the department on a biennial basis if the residential
8 customer wishes to continue to be included in the directory. The department shall
9 eliminate a residential customer from the directory if the customer does not make
10 the biennial notification.

11 **SECTION 3.** 100.52 (2) (d) of the statutes is amended to read:

12 100.52 (2) (d) The department shall, on a ~~semiannual~~ quarterly basis, make
13 the nonsolicitation directory available by electronic transmission only to telephone
14 solicitors who are registered under sub. (3). Upon the request of a telephone solicitor
15 registered under sub. (3), the department shall also provide a printed copy of the
16 nonsolicitation directory to the telephone solicitor. A telephone solicitor who receives
17 a copy of the directory, or to whom the directory is made available by electronic
18 transmission, under this paragraph may not solicit or accept from any person,
19 directly or indirectly, anything of value in exchange for providing the person with any
20 information included in the copy.

21 **SECTION 4.** 100.52 (3) (a) of the statutes is amended to read:

22 100.52 (3) (a) The department shall promulgate rules that require any
23 telephone solicitor who requires an employee or contractor to make a telephone
24 solicitation to a residential customer in this state to register with the department,
25 obtain a registration number from the department, and pay a registration fee to the

1 department in quarterly installments. The amount of the registration fee shall be
2 based on the cost of establishing the nonsolicitation directory, and the amount that
3 an individual telephone solicitor is required to pay shall be based on the number of
4 telephone lines used by the telephone solicitor to make telephone solicitations. The
5 rules shall also require a telephone solicitor that registers with the department to
6 pay an annual registration renewal fee to the department in quarterly installments.
7 The amount of the registration renewal fee shall be based on the cost of maintaining
8 the nonsolicitation directory.

9 **SECTION 5.** 100.52 (3) (am) of the statutes is created to read:

10 100.52 **(3)** (am) Annually, no later than January 1, the department shall
11 estimate the total expenditures from the appropriation under s. 20.115 (8) (jm) in
12 that fiscal year and the unencumbered balance that will remain in the appropriation
13 under s. 20.115 (8) (jm) at the end of that fiscal year. If the estimated unencumbered
14 balance exceeds 15 percent of the estimated expenditures from that appropriation
15 the department shall reduce or waive one or more quarterly installments under par.
16 (a). The department shall apply any reduction or waiver under this paragraph
17 proportionally to all telephone solicitors registered under par. (a).

18 **SECTION 6.** 100.52 (4) (a) 3. of the statutes is amended to read:

19 100.52 **(4)** (a) 3. Make a telephone solicitation to a ~~nonresidential customer~~
20 person if within the 2-year period immediately preceding the telephone solicitation
21 the nonresidential customer person has provided notice by mail or previously stated
22 to the telephone solicitor or an employee or contractor of the telephone solicitor that
23 the nonresidential customer person does not wish to receive telephone solicitations.

24 **SECTION 7.** 100.52 (4) (c) of the statutes is amended to read:

