

2009 DRAFTING REQUEST

Bill

Received: **12/23/2008**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Jonathan Logemann**

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Schneider@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prohibit cell phone directory

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 01/21/2009	wjackson 02/06/2009		_____			
/1	csundber 03/09/2009	wjackson 03/10/2009	rschlue 02/09/2009	_____	sbasford 02/09/2009	cduerst 02/18/2009	
/2			rschlue 03/10/2009	_____	lparisi 03/10/2009	lparisi 03/10/2009	

FE Sent For: **NONE**

<END>

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/?	csundber	1 Wlj 2/6		_____	_____	_____	_____
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FE Sent For:

<END>

Sundberg, Christopher

From: Kunkel, Mark
Sent: Friday, December 19, 2008 1:34 PM
To: Sundberg, Christopher
Subject: FW: Intellius Privacy Assault

Let's talk about this when you get back in out of the snow. I'm here Monday, but gone Tues until the Mon after Christmas.

This might be trade reg, if it concerns cell phone number privacy. The PSC doesn't have much jurisdiction over cell phones. So maybe DATCP would do this?

From: Kuczenski, Tracy
Sent: Friday, December 19, 2008 11:04 AM
To: Logemann, Jonathan
Cc: Kunkel, Mark
Subject: RE: Intellius Privacy Assault

Thanks for this message, Jonathan. I believe Mark Kunkel, who drafts telecommunications bills, will be the drafter on this request.

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Logemann, Jonathan
Sent: Friday, December 19, 2008 11:00 AM
To: Kuczenski, Tracy
Subject: FW: Intellius Privacy Assault

Hi Tracy,

Below is the correspondence between Marlin and the constituent for the potential bill. The website alluded to is:
<http://www.msnbc.msn.com/id/22956815/>

Thank you very much Tracy.

Jonathan Klarer Logemann
Office of Representative Marlin D. Schneider
204 North, State Capitol
(608) 266-0215 Office
(888) 529-0072 Toll Free
Jonathan.Logemann@legis.wi.gov

12/22/2008

From: Topp, Jessica
Sent: Friday, December 19, 2008 10:36 AM
To: Logemann, Jonathan
Subject: FW: Intellius Privacy Assault

From: Schneider, Marlin
Sent: Friday, November 14, 2008 1:49 PM
To: Topp, Jessica
Subject: FW: Intellius Privacy Assault

Will you check into this and perhaps we can get a bill drafted to prohibit the practice he referencing. Let me know. This seems like a good idea. - Marlin

From: Marjorie Reinke [mailto:k9haus@tznet.com]
Sent: Fri 2/1/2008 9:47 PM
To: Rep.Schneider
Subject: Intellius Privacy Assault

Dear Marlin, I read today that Intellius Inc. was forced to shutdown its cellphone directory after threat of lawsuit by Verizon and consumer complaints. They or someone else just a little more unscrupulous will be back unless the laws are changed. They admitted in their public offering that they "get around laws that bar telephone companies from compiling cell phone directories without customer consent because laws did not mention third parties such as Intellius" What arrogance to run roughshod over the OBVIOUS intent of the law and publish private information for their own profit! They have mined 90 million cell phone numbers from public property records and sources such as publishers clearing house and obviously were not the least concerned about people's privacy desires.

I would say that the laws need to be expanded to shut out these pirates of personal information.

A full article was on the MSN network today.

Dave Reinke
Port Edwards

Sundberg, Christopher

From: Logemann, Jonathan
Sent: Wednesday, January 14, 2009 4:15 PM
To: Sundberg, Christopher
Subject: RE: payment mailing draft

Hi Chris,

Marlin wanted the bill to require companies to accept payments due if the mail is postmarked within 48 hours of the due date before or after. Marlin wants the bill to mandate that companies accept payments postmarked on, say, the 3rd of the month, 48 hours after due date, rather than suffer a penalty if it is not received by the first.

We've had a couple constituent complaints about persons submitting their mail thought to be on time, but winding up that mail was delayed and payment was received on the 2nd, resulting in a penalty for the consumer.

Thanks Chris.

Jonathan Klarer Logemann
Office of Representative Marlin D. Schneider
204 North, State Capitol
(608) 266-0215 Office
(888) 529-0072 Toll Free
Jonathan.Logemann@legis.wi.gov

From: Sundberg, Christopher
Sent: Wednesday, January 14, 2009 4:07 PM
To: Logemann, Jonathan
Subject: RE: payment mailing draft

OK. Now remind me what the requirement was- to accept as timely a payment postmarked 2 days before the due date? And who should it apply to?

From: Logemann, Jonathan
Sent: Wednesday, January 14, 2009 4:04 PM
To: Sundberg, Christopher
Subject: RE: payment mailing draft

Hi Chris,

I talked it over with Marlin and we'll take Option #1. Thanks Chris.

Jonathan Klarer Logemann
Office of Representative Marlin D. Schneider
204 North, State Capitol
(608) 266-0215 Office
(888) 529-0072 Toll Free
Jonathan.Logemann@legis.wi.gov

From: Sundberg, Christopher
Sent: Tuesday, January 13, 2009 10:36 AM
To: Logemann, Jonathan
Subject: payment mailing draft

After some poking around, it's not clear whether a 2-day adjustment of a bill due date under an existing contract would run afoul of the Contracts Clause. You have a couple of options:

1. A bill that would apply only to contracts formed after the effective date of the bill. This would not pose the constitutional

issue we talked about, because the Contracts Clause applies only to modifications of contract that are already in existence.

2. A bill that would apply to contracts currently in existence and to contracts formed after the effective date of the bill. This could be ruled unconstitutional as applied to contracts currently in existence if a court were to decide that there isn't a sufficiently serious public purpose for the bill, or that there isn't a tight enough 'fit' between the problem the bill is intended to fix and the requirements of the bill.

Let me know what you'd like to do.

Christopher Sundberg
Legislative Attorney
Legislative Reference Bureau
(608) 266-9739
christopher.sundberg@legis.state.wi.us



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2009 BILL

Gen Cat

1 AN ACT **relating to:** prohibiting the compilation of commercial mobile service
2 numbers.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from compiling commercial mobile service telephone numbers (cellular telephone numbers) for the purpose of including the telephone numbers in a directory that is offered for sale or lease to another.

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

3 SECTION 1. 134.725 of the statutes is created to read:

4 134.725 COMPILATION OF COMMERCIAL MOBILE SERVICE NUMBERS. (1) In this
5 section, "commercial mobile service" has the meaning given in s. 196.01 (2i).
6

7 (2) No person may compile the commercial mobile service telephone numbers
8 of individuals for the purpose of including the telephone numbers in a directory that
9 is offered for sale or lease to another.

(END)

Duerst, Christina

From: Schneider, Marlin
Sent: Wednesday, February 18, 2009 9:29 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1267/1 Topic: Prohibit cell phone directory

Please Jacket LRB 09-1267/1 for the ASSEMBLY.

Sundberg, Christopher

From: Dumas, Aaron
Sent: Wednesday, March 04, 2009 1:03 PM
To: Sundberg, Christopher
Subject: RE: LRB 1267

Hi Christopher,

That sounds good--just so we get the aspect of *intent* out of there in those instances, which it looks like you did. Could we have that go into a redraft, please? I'm sending the bill jacket back to you right now.

Thanks,
Aaron

From: Sundberg, Christopher
Sent: Friday, February 27, 2009 11:19 AM
To: Dumas, Aaron
Subject: RE: LRB 1267

As the bill is drafted, I think this would run afoul of the prohibition. As a practical matter, it seems unlikely that a DA would bring an enforcement action against someone for that kind of violation, but the best fix is probably to modify the prohibition to read:

No person may compile the commercial mobile service telephone numbers of individuals for the purpose of including the telephone numbers in a directory of commercial mobile service telephone numbers that is offered for sale or lease to another.

That way, if someone accidentally catches a cell number in the process of trying to compile a directory of land lines, they would not be compiling for the purpose prohibited by the bill. Let me know if you'd like a redraft or amendment.

CS

From: Dumas, Aaron
Sent: Friday, February 27, 2009 11:12 AM
To: Sundberg, Christopher
Subject: LRB 1267

Hi Christopher,

We had a question about this bill from a lobbyist that I'm hoping you can answer: what would the ramifications be for someone who compiles and sells a list of telephone numbers that they believe to be landline numbers but that turn out to include some cell phone numbers? This is apparently a possible--but not common--scenario resulting from the "portability" of cell phone numbers.

Thanks much,

Aaron Dumas

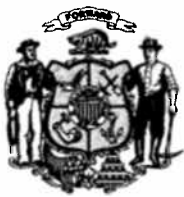
Office of Representative Marlin Schneider
72nd Assembly District

Aaron.Dumas@legis.wisconsin.gov

(608) 266-0215 Toll Free 1-888-529-0072

Capitol 204 North

P.O. Box 8953 Madison, WI 53708



10: 3/9/09
State of Wisconsin
2009 - 2010 LEGISLATURE

2
LRB-12671R JMN/R
CTS:wj:re

↑
stays

2009 BILL

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2 compilation of commercial mobile service numbers.

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telephone numbers

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6 (2) No person may compile the commercial mobile service telephone numbers
7 of individuals for the purpose of including the telephone numbers in a directory that
8 is offered for sale or lease to another.

9

(END)

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