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(FORM UPDATED: 08/11/2010)

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

**2003-04**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on Government Operations and  
Spending Limitations...**

### **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**

## Assembly

### Record of Committee Proceedings

#### **Committee on Government Operations and Spending Limitations**

##### **Assembly Bill 196**

Relating to: access to public records.

By Joint Legislative Council.

March 25, 2003      Referred to Committee on Government Operations and Spending  
Limitations.

April 23, 2003      **PUBLIC HEARING HELD**

Present:    (6)      Representatives F. Lasee, Loeffelholz, Musser,  
Weber, Zepnick and Wasserman.

Absent:     (0)      None.

##### Appearances For

- John Mielke, Associated Builders and Contractors
- Sandra George, Wisconsin Newspaper Association
- Robert Dreps, Wisconsin Newspaper Association/Wisconsin Broadcasters Association
- Rep. Mark Gundrum, 84th Assembly District

##### Appearances Against

- Jeff Wiswell, Wisconsin Sheriffs and Deputy Sheriffs Association
- Curt Pawlisch, Time Warner Telecom of Wisconsin, L.P.

##### Appearances for Information Only

- Joe Strohl, TDS Metrocom
- Ronald Sklansky, Wisconsin Legislative Council
- Bob Conlin, Wisconsin Legislative Council

##### Registrations For

- Curt Witynski, League of Wisconsin Municipalities
- John Dowling, UW-Madison
- James Palmer, Wisconsin Professional Police Association
- Sen. John Erpenbach, 27th Senate District
- Jim Boullion, Associated General Contractors

##### Registrations Against

- Jennifer Sunstrom, Wisconsin Counties Association

June 18, 2003

**EXECUTIVE SESSION HELD**

Present: (6) Representatives F. Lasee, Loeffelholz, Musser,  
Weber, Zepnick and Wasserman.

Absent: (0) None.

Moved by Representative Loeffelholz, seconded by Representative  
Musser that **Assembly Amendment 1** be recommended for  
adoption.

Ayes: (6) Representatives F. Lasee, Loeffelholz,  
Musser, Weber, Zepnick and Wasserman.

Noes: (0) None.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,  
Ayes 6, Noes 0

Moved by Representative Loeffelholz, seconded by Representative  
Weber that **Assembly Bill 196** be recommended for passage as  
amended.

Ayes: (6) Representatives F. Lasee, Loeffelholz,  
Musser, Weber, Zepnick and Wasserman.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 6, Noes 0

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Lance Burri  
Committee Clerk

Vote Record

Committee on Government Operations and Spending  
Limitations

Date: 6-18-03

Moved by: Loef

Seconded by: W

AB 196

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ 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:

- Passage
- Adoption
- Confirmation
- Concurrence
- Indefinite Postponement
- Introduction
- Rejection
- Tabling
- Nonconcurrency

Committee Member

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Frank Lasee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Terry Musser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Becky Weber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Josh Zepnick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheldon Wasserman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 6 0 \_\_\_\_\_

Vote Record

Committee on Government Operations and Spending  
Limitations

Date: 6-18-03

Moved by: Loef

Seconded by: YM

AB 196

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt 1

A/S Amdt \_\_\_\_\_ 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:

- Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement
- Introduction       Rejection       Tabling       Nonconcurrency

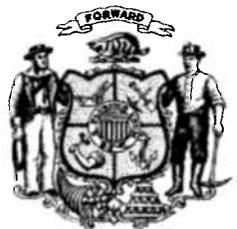
Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Representative Frank Lasee</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Gabe Loeffelholz</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Terry Musser</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Becky Weber</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Josh Zepnick</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Sheldon Wasserman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 6 \_\_\_\_\_



# WISCONSIN STATE LEGISLATURE



AB196

**Burri, Lance**

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**From:** Dave Craker [davec@GCIWI.com]  
**Sent:** Monday, April 21, 2003 12:19 PM  
**To:** 'Lance.Burri@legis.state.wi.us'  
**Cc:** 'Pwilson@abcwi.org'  
**Subject:** AB 196

Dear Lance Burri,

I am in support of Assembly Bill 196. It is critical to protect the rights of employees and subcontractors from being singled out. I have an obligation as an employer to assure personal information of my employees be kept private. GCI has done several jobs that could be effected by this legislation. I would be happy to talk to you about this issue further or help in any way.

Thank you for your time,

David A. Craker  
President  
GCI - General Contractors, Inc.  
275 Bruce Street, Suite 100  
Verona, WI 53593  
608-845-6537 (Phone)  
608-845-1542 (Fax)

**Burri, Lance**

---

**From:** Cathy Martin [ctwlan@globalcrossing.net]

**Sent:** Monday, April 21, 2003 12:42 PM

**To:** Lance.Burri@legis.state.wi.us

**Cc:** Pwilson@abcwi.org

**Subject:** Assembly Bill 196

April 21, 2003

Mr. Lance Burri  
Committee Clerk

Dear Mr. Burri:

As an employer, we feel an obligation to protect the privacy interests of our employees when they are working on prevailing wage jobs. In an effort to do so, we support the provision in SB 78 that provides for the protection of the name or other personally identifiable information relating to our employees.

Sincerely,

Catherine Martin

CTW CORPORATION  
21500 W GOOD HOPE RD  
LANNON WI 53046-9720

04/22/2003

**Burri, Lance**

---

**From:** ISC1998@aol.com  
**Sent:** Monday, April 21, 2003 3:52 PM  
**To:** Lance.Burri@legis.state.wi.us  
**Subject:** Assembly Bill 196

April 21, 2003

Dear Mr. Burri:

I am a **small, woman-owned construction company** that receives most of my revenues from Prevailing Wage projects in Wisconsin and across the nation. I have 22 employees that I am responsible for, that includes their privacy on what jobs they work on. The owner of a project already has the prevailing wage data needed and receives reports from the prime contractor and subcontractor for a particular project on a weekly basis for compliance issues. To disclose the prevailing wages of my employees for public record I feel is no one else's business, and is likely to cause a basic public outcry from people who do not comprehend prevailing wages. I have an obligation as an employer to protect my employees' privacy when it comes to prevailing wage projects, and ask for you to **support Assembly Bill 196**.

Thank you for your consideration and time for this bill.

Respectfully,

**Cheryl A. Sment, President**

Interstate Sealant & Concrete, Inc  
2024 Northview Rd  
Waukesha, WI 53188  
262/547-6316  
262/547-6844 fax

04/22/2003

**Burri, Lance**

---

**From:** J&H Controls [jhcontrols@jhcontrols.com]  
**Sent:** Tuesday, April 22, 2003 10:10 AM  
**To:** Lance.Burri@legis.state.wi.us  
**Cc:** Pwilson@abcwi.org  
**Subject:** Assembly bill AB196 and Senate bill SB78

Dear Mr. Burri:

Via this email I wish to express my support of Assembly bill AB196 and I urge the Assembly Government Operations Committee to do the same. As an employer I am very concerned about privacy issues as they relate to my employees and myself. I feel that I have an obligation to my employees to protect their privacy interests. I also believe that my employees have an expectation of me, as their employer, to protect their privacy.

I am also supportive of the provision in Senate bill SB78 which provides for the protection of the name and other personally identifiable information of my employees, as well as, myself.

Sincerely yours,

Mark Hawley  
President  
J & H Controls, Inc.  
Fond du Lac, Wisconsin

04/22/2003

## Burri, Lance

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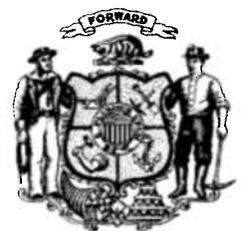
**From:** Sue Kramer [SEK@horizonconstructs.com]  
**Sent:** Tuesday, April 22, 2003 10:49 AM  
**To:** Lance.Burri@legis.state.wi.us  
**Cc:** Pwilson@abcwi.org  
**Subject:** Open Records on Prevailing Wage Work and Assembly Bill 196

Horizon Construction Group, LLC believes they have an obligation to protect the privacy interests of their employees when they are working on prevailing wage projects.

Horizon also supports the provision in SB 78 that provides for the protection of the name or other personally identifiable information relating to their employees.



# WISCONSIN STATE LEGISLATURE





## ASSOCIATED BUILDERS & CONTRACTORS OF WISCONSIN, INC.

5330 Wall Street ★ Madison, WI 53718 ★ 608-244-5883 ★ Fax 608-244-2401 ★ www.abcwi.org

April 21, 2003

RE: Support for AB 196

Dear: Assembly Committee on Government Operations and Spending Limitations,

I am writing on behalf of the 850 member firms of Associated Builders and Contractors of Wisconsin to express our support for AB 196 and encourage favorable committee action.

Under the current state of the Open Records Law, *Woznicki* provides for certain privacy protections. It provides for notice and the opportunity for judicial review where an individual's privacy or reputational interests are at issue.

AB 196 partially codifies *Woznicki* and clarifies the notice requirements provided by *Woznicki v. Erickson* and *Milwaukee Teachers Education Assn. v. Milwaukee Bd. of School Directors*.

The bill places records relating to employees into three categories

1. Employee related records that may be released under the general balancing test without providing a right of notice and judicial review.
2. Employee related records that may be released under the balancing test only after notice of impending release and the right of judicial review have been provided to the records subject.
3. Employee related records that are absolutely closed to public access under the open records law.

Governmental entities have the power to inspect and require the submission of numerous private business records to ensure the compliance with various laws and regulations (e.g., records regarding lawful employment status, payroll records for compliance with state and federal wage and hour laws, records regarding employment decisions, and health, safety, and medical records)

Prevailing wage payroll records are good examples of records that governmental entities are increasingly collecting from government contractors as a matter of course, regardless of whether there is a question concerning compliance.

Because AB 196 provides for protection of the name or other personally identifiable information relating to an employee who is performing work on a project where the employer is required to pay prevailing wages we are urging passage.

Private employees and businesses who contract with governmental entities have a reasonable and substantial expectation of privacy that their personal and confidential information in the hands of the government not be generally made available to the public.

Sincerely,

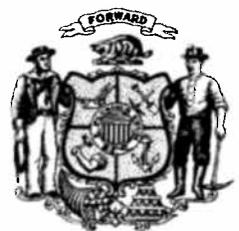
A handwritten signature in cursive script that reads "John Mielke". The signature is written in dark ink and is positioned above the printed name.

John R. Mielke

Director of Government Relations



# WISCONSIN STATE LEGISLATURE



**TESTIMONY TO THE SENATE JUDICIARY, CORRECTIONS AND PRIVACY  
COMMITTEE ON SENATE BILL 78**

State Capitol, Room 201 Southeast  
April 22, 2003

Curt F. Pawlisch, attorney for  
Time Warner Telecom of Wisconsin, L.P.  
(608) 251-0101

**TESTIMONY IN OPPOSITION TO SENATE BILL 78**

Today I testify on behalf of Time Warner Telecom of Wisconsin ("TWTC"), a competitive local exchange company that provides telecommunications services here in our state. TWTC opposes the legislation before you, but believes its concerns can be remedied by an appropriate amendment.

TWTC operates under the regulatory jurisdiction of the Public Service Commission. The PSC requires competitive local exchange companies such as TWTC to file annual reports with the Commission detailing income, assets, liabilities, capital and data specific to the telecommunications industry. This is obviously competitively sensitive information. While our company has always been willing to provide this information to the PSC, we don't want to give our competitors a road map of our operations. Time Warner's policy is therefore to seek confidential treatment of this information.

For such confidential filings, the PSC has established the following procedure. First, the Commission makes a confidential handling determination. This is a preliminary determination as to how the agency will handle a record. If the Commission handles the record confidentially, the agency will notify companies if any member of the public, including our competitors, requests a copy of the filing under the Open Records Law, and

the companies may comment on whether the record should be disclosed under the Open Records Law. If TWTC disagrees with either a confidential handling decision over a subsequent open records determination, TWTC is free to challenge the Commission in court. In fact, TWTC has twice sued the PSC over confidential handling decisions.

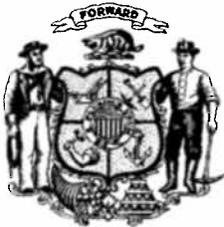
What troubles us is that SB 78 specifically provides that companies such as TWTC would have no ability to challenge the Commission's confidentiality decisions.

Fair competition is vitally important to the survival of competitive local exchange carriers in Wisconsin's telecommunications market. The current bill eliminates a competitors' ability to protect confidential information from getting in the hands of its competitors. This bill should progress no further, unless a provision is included that requires the PSC to give regulated entities such as TWTC notice of any requests regarding its company under the open records law, as well as the opportunity to challenge any PSC decisions concerning confidentiality. We would be happy to assist the committee in preparing appropriate language in this regard.

In closing, let me say that TWTC does not dispute the importance of public disclosure of the workings of government. That policy preference, however, is balanced by this legislature's policy to increase competition in this state as strongly stated in Wis. Stat. § 133.01, "It is the intent of the legislature to make competition the fundamental economic policy of this state. . ."



# WISCONSIN STATE LEGISLATURE



AB 196

**Burri, Lance**

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**From:** EMILY\_RUNDHAUG@HOTMAIL.COM  
**Sent:** Tuesday, April 22, 2003 4:37 PM  
**To:** Lance.Burri@legis.state.wi.us  
**Cc:** Pwilson@abcwi.org; dantczak@chibardun.net  
**Subject:** ASSEMBLY BILL 196

My husband and I own Antczak Construction Inc in Rice Lake WI. We have been the owners here since 1980 and started with only 2 employees, today we have 15 full-time employees. We do earthwork: we build roads, driveways, dig basements, building site prep, soil conservation work, etc. We are a family owned business and try to treat our employees like we are all a part of the same family. They appreciate that.

The reason I am writing is Assembly Bill 196 - when a contractor is awarded a contract with prevailing wage they are to pay this wage to their employees. There is a lot of paperwork involved with this and for the contractor the size we are it is very time consuming. We do not do many jobs with prevailing wage but the ones we do we work hard at understanding what is expected of us. We try very hard to abide by all the rules and regulations that we are to follow and take pride in all that we do. We also take pride in protecting our employees from harm. We do a lot of safety training, task related training, etc. We need to document all the training we do, we need to document near misses, injuries, discipline, etc. We work hard on our jobs and take them seriously. We have an obligation to our employees to protect their privacy while they work on prevailing wage jobs and jobs that are not prevailing wage. I support the provision in SB78 that provides protection of the employees name or other personally identifiable information relating to our employees.

I ask you to support the provision in SB 78 giving our employees the protection they deserve when working on prevailing wage jobs.

Thank you for your time.

Don and Joanne Antczak  
Antczak Construction Inc  
Rice Lake WI

04/23/2003

## Burri, Lance

---

**From:** Myra Reff [MReff@kruppconstruction.com]  
**Sent:** Tuesday, April 22, 2003 11:39 AM  
**To:** Lance.Burri@legis.state.wi.us  
**Cc:** Pwilson@abcwi.org  
**Subject:** Open records on prevailing wage work

Hi Lance:

I cannot attend the hearing tomorrow would like to express my support for AB 196.

We have done many prevailing jobs over the years and will continue to do so and we do not wish to provide personal information on our employees for public records.

Every week for the last few months I have received at home privacy protection information from my health, dental, disability, 401k, car and home insurance providers along with anyone that I have received a credit card . If there is such concern in the private sector it should be the same with the state laws.

I do not like to show the employee's name, home address and especially their social security number. These weekly reports showing all that information can get into the wrong hands and a person can lose their identity. Stolen identity is a very big problem now days.

I wish I could attend the meeting but it does not fit into my schedule at this time.

Myra Reff  
Accountant  
Krupp General Contractors, LLC  
2020 Eastwood Dr.  
Madison, WI 53704  
Phone: 608- 249-2020  
Fax: 608- 249-2053

Myra Reff  
Accountant  
Krupp General Contractors, LLC  
2020 Eastwood Dr.  
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## Burri, Lance

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Respectfully,

Cheryl A. Sment, President

Interstate Sealant & Concrete, Inc  
2024 Northview Rd  
Waukesha, WI 53188  
262/547-6316  
262/547-6844 fax

04/23/2003

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Sincerely,

Catherine Martin

CTW CORPORATION  
21500 W GOOD HOPE RD  
LANNON WI 53046-9720

04/23/2003

## Burri, Lance

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Thank you for your time,

David A. Craker  
President  
GCI - General Contractors, Inc.  
275 Bruce Street, Suite 100  
Verona, WI 53593  
608-845-6537 (Phone)  
608-845-1542 (Fax)



# West Nile Virus



Wisconsin Department of Agriculture, Trade and Consumer Protection

## Mosquito Control Information for Homeowners

### Background

With the increased awareness of West Nile Virus and other diseases transmitted by mosquitoes, homeowners have options in the control of mosquito populations around their residence.

### Around The Home

Female mosquitoes lay their eggs in or near water. The most effective way to control mosquitoes is to eliminate possible breeding places:

- Empty standing water in unused tires, buckets, containers, plastic covers, toys, sandboxes, outdoor equipment, pet dishes, etc.
- Empty and change the water in bird baths, fountains, wading pools and potted plant trays at least once a week.
- Drain or fill temporary puddles with dirt.
- Properly maintain swimming pools and unclog rain gutters.

### Personal Protection

Take steps to protect yourself and your family:

- Use mosquito repellents that contain DEET (diethyl-meta-toluamide) and carefully follow all label directions and precautions.
- For children, use products with less than 10 percent DEET.
- Wear long sleeves and long pants if you or family members venture into areas with high mosquito populations.
- Stay inside in the early morning and early evening when mosquitoes are active.
- Be sure window and door screens are fitted properly and in good repair.

### Pesticide Use

If you choose to use pesticides to control mosquitoes, you have the option of doing it yourself or hiring a professional pesticide application business. Be aware that mosquitoes can fly in from surrounding areas after your property is treated and the effectiveness of most mosquito pesticide applications is short lived.

### Homeowner Applications

- **Read the label and follow all instructions carefully.**
- Be sure the product you select is labeled for use on adult mosquitoes or for the site where mosquitoes live.
- Pesticides for mosquito larvae must be applied to water. However, there are special requirements for applying pesticides to waters of the state.
- If there is a pond, stream, lake or other water body on your property, you may need a permit from the Department of Natural Resources and you may be required to hire a professional pesticide application business. Contact your DNR district office or visit [www.dnr.state.wi.us](http://www.dnr.state.wi.us) for permit information.
- Check the label for a registration number from the Environmental Protection Agency (EPA). This verifies that you are using a legally registered pesticide.
- **Only treat your property.** Drifting pesticides or over applying sprays or granules onto other properties is against the law.

### Commercial Applications

Pesticide application businesses that offer mosquito control must meet the following requirements:

- The commercial business must have a current commercial pesticide application business license issued by the Department of Agriculture, Trade and Consumer Protection (DATCP).
- All pesticide applicators employed by the business must be currently licensed as a commercial pesticide applicator.

**Product or  
Applicator Claims**

**Resources**

- All pesticide applicators must be currently certified in Category 5.0 - Aquatic and Mosquito Pest Control or have an approved reciprocal certification from another state. Certification in Category 3.0 - Turf and Ornamental is not acceptable for mosquito control.

To find commercially licensed pesticide application businesses and pesticide applicators who are certified as commercial applicators including those certified to control mosquitoes, go to [www.kellysolutions.com/wi/](http://www.kellysolutions.com/wi/). This Internet-based directory is updated weekly and contains licensed businesses and those applicators certified to apply pesticides in Wisconsin.

You can also contact DATCP at 608-224-4500 for a listing of currently licensed commercial pesticide application businesses.

No product or applicator can claim to eliminate the chance of contracting West Nile Virus. The most that can be done is to temporarily reduce the numbers of mosquitoes around your residence.

[Wisconsin West Nile Virus Hotline 1-800-433-1610](http://www.dhs.gov)  
Information clearinghouse for WNV in Wisconsin.

[WNV Disease Fact Sheet - Department of Health and Family Services](http://www.dhfs.state.wi.us/healthtips/BCD/WestNile.htm)  
[www.dhfs.state.wi.us/healthtips/BCD/WestNile.htm](http://www.dhfs.state.wi.us/healthtips/BCD/WestNile.htm)  
Human health information.

[Pesticide Rules and Requirement - DATCP](http://datcp.state.wi.us) [datcp.state.wi.us](http://datcp.state.wi.us)  
Pesticide licenses, permits, certification information.

[Chemical Control of Aquatic Plants and Vegetation - DNR](http://www.dnr.state.wi.us/org/water/fhp/waterway/aquaticplantcontrol.shtml)  
[www.dnr.state.wi.us/org/water/fhp/waterway/aquaticplantcontrol.shtml](http://www.dnr.state.wi.us/org/water/fhp/waterway/aquaticplantcontrol.shtml)  
Also applies to pesticides applied to water for mosquito control.

[National Pesticide Information Center](http://www.npic.orst.edu) [www.npic.orst.edu](http://www.npic.orst.edu)  
Provides objective, science-based information about pesticides including mosquito repellents and insecticides, 1-800-858-7378 or e-mail [npic@ace.orst.edu](mailto:npic@ace.orst.edu).

[Pesticides and Mosquito Control - EPA](http://www.epa.gov/pesticides/factsheets/skeeters.htm)  
[www.epa.gov/pesticides/factsheets/skeeters.htm](http://www.epa.gov/pesticides/factsheets/skeeters.htm)  
Information on mosquito control methods, pesticides, repellents, other resources.

[Centers for Disease Control and Prevention](http://www.cdc.gov/ncidod/dvbid/westnile/index.htm) [www.cdc.gov/ncidod/dvbid/westnile/index.htm](http://www.cdc.gov/ncidod/dvbid/westnile/index.htm)  
Extensive information on WNV including prevention, surveillance, and health.

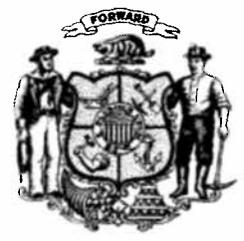
[What's Going on with West Nile Virus? Cornell University Center for the Environment](http://www.cfe.cornell.edu/erap/WNV/WNVWeblinks.cfm)  
[www.cfe.cornell.edu/erap/WNV/WNVWeblinks.cfm](http://www.cfe.cornell.edu/erap/WNV/WNVWeblinks.cfm)  
A comprehensive, annotated listing of organizations and government agency web sites with West Nile Virus information including resources for the general public.



Wisconsin Department of Agriculture, Trade and Consumer Protection  
2811 Agriculture Drive, PO Box 8911  
Madison WI 53708-8911  
608/224-4500  
<http://datcp.state.wi.us>  
ARM Pub 115 (9/02)



WISCONSIN STATE LEGISLATURE



**Burri, Lance**

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**From:** Dan De Boer [deboerd@tznet.com]  
**Sent:** Wednesday, April 23, 2003 9:16 AM  
**To:** Lance.Burri@legis.state.wi.us  
**Cc:** deboerd@tznet.com  
**Subject:** AB 196

Earth, Inc.  
4362 Dairy Road  
Arpin, WI 54410  
715-652-3466

Dear Lance,

We are a member of ABC of Wisconsin. Our company does work in the state of Wisconsin for various municipalities and state agencies, we have about 60 employees. We are urging you to tell the committee to SUPPORT AB 196. We feel we have an obligation as an employer to protect the privacy interests of our employees when they are working on prevailing wage projects. We support the provision AB 196 that provides for the protection of the name or other personally identifiable information relating to our employees. Appreciate your time and attention on this matter.

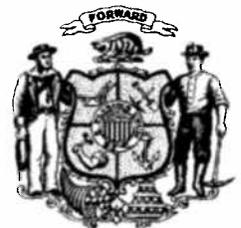
Sincerely,

Dan De Boer  
President

04/23/2003



# WISCONSIN STATE LEGISLATURE





**2003 Assembly Bill 196  
Assembly Committee on Government Operations and Spending Limitations  
Representative Frank Lasee, Chair  
April 23, 2003**

**Testimony of John C. Dowling, Senior University Legal Counsel  
University of Wisconsin-Madison**

Representative Lasee and members of the committee, thank you for providing me the opportunity to speak on Assembly Bill 196, which modifies the Wisconsin public records law. My name is John Dowling. I am Senior University Legal Counsel at UW-Madison. I have served as legal counsel to the university since 1996. One of my duties as legal counsel is to advise the university on public records issues and often to respond to specific requests. These are often very difficult legal issues that demand significant time and energy from me and from many others on the UW-Madison campus.

I am here today to testify in favor of Assembly Bill 196. The bill accomplishes two very significant goals and improves the existing law as it has been interpreted by the courts:

1. The bill clarifies what has become known as Woznicki notice. It limits the instances in which such notice must be given to the subject of identified records, yet it recognizes the potential impact on individuals when personal or sensitive information about investigations into possible disciplinary matters may be released. It also spells out a procedure to be followed in giving such notice and in instituting court actions to attempt to restrain access to such records.
2. The bill limits the amount of personal information from public employee personnel records that must be released by state authorities upon request.

These are improvements to the current state of the public records law that should reduce some of the uncertainty and should work to the benefit of UW-Madison and its employees.

I do have the following technical suggestions that, in my opinion, would make the bill even better:

1. Section 19.356(2) requires that notice to the record subject be given by certified mail or personal service. In my experience, that type of formal notice is not

**Office of Administrative Legal Services**

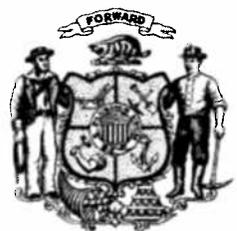
necessary on the UW-Madison campus. Electronic mail is extremely efficient and provides the same record of receipt.

2. Section 19.356(3) uses the word "may" in regard to written notification from a record subject that he/she intends to seek a court order. If it is the bill's intent that such written notification is mandatory before the institution of any legal action, the word "must" would seem to be more appropriate.
3. Section 19.36(10)(b) forecloses public access to records relating to current investigations of employee misconduct prior to the disposition of such an investigation. By extension then, it seems that such investigatory records would be available to the public after the disposition of the investigation regardless of its outcome. The results of an investigation that does not lead to any specific disciplinary action can be damaging to the reputation and privacy of a public employee. I would urge the committee to consider amending the language in this section to include records of completed investigations that do not lead to criminal charges or formal disciplinary action.
4. Section 19.36(10)(d) would seem to allow a public employee access to letters of reference that have been submitted about himself/herself. This is contrary to current statutory law (s. 103.13, Wis. Stats.) which specifically excepts letters of reference from personnel records that are available to public employees. UW-Madison relies heavily on letters of reference in the tenure process and in hiring. Individuals around the world write such letters assuming that they will be held confidentially. Allowing access to such letters could stifle the university's ability to obtain honest and forthright letters of reference. I would recommend that the term "letters of reference" be removed from this section of the bill.

It is my hope that this information will be useful to the committee as it considers this legislation. I would be happy to attempt to answer any questions that you may have in regard to this bill and the issue of public records at UW-Madison.



# WISCONSIN STATE LEGISLATURE



**Burri, Lance**

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**From:** Tammy Meyers [tmeyers@altmannconstruction.com]

**Sent:** Wednesday, April 23, 2003 8:50 AM

**To:** lance.burri@legis.state.wi.us

**Cc:** 'Paula Wilson'

**Subject:** Open records on prevailing wage work

Mr. Burri:

We are a general contractor located in Central Wisconsin and we support AB 196 and the provision in SB 78 that provides for the protection of the name or other personally identifiable information relating to our employees. As an employer of 50 employees, it is our right to protect the privacy interests of our employees when they are working on prevailing wage projects.

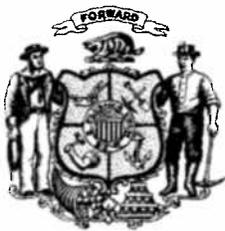
Because we work on a government projects does not mean that we need to disclose our employee names, social security numbers etc. Please help us protect our employee's privacy by supporting AB 196.

If you would like to discuss this with me, please contact me at 715-421-2550.

Tammy Meyers  
Human Resource Manager  
Altmann Construction Co. Inc.  
P.O. Box 65  
Wisconsin Rapids, WI 54495-0065  
715-421-2550(phone)  
715-423-2310(fax)



# WISCONSIN STATE LEGISLATURE





## ASSOCIATED BUILDERS & CONTRACTORS OF WISCONSIN, INC.

5330 Wall Street ★ Madison, WI 53718 ★ 608-244-5883 ★ Fax 608-244-2401 ★ [www.abcwi.org](http://www.abcwi.org)

TO: Assembly Committee on Government Operations and Spending Limits  
FROM: John R. Mielke, Director of Government Relations  
RE: Assembly Bill 196  
DATE: 4-23-03

Mr. Chairman, members of the committee, I thank you for the opportunity to provide my comments regarding this important piece of legislation.

At least one of the purposes of AB 196 is to clarify the notice requirements provided by *Woznicki v. Erickson* and *Milwaukee Teachers Education Assn. v. Milwaukee Bd. of School Directors*. Those cases recognized the important privacy rights of Wisconsin citizens to their personal information that may be contained in public records.

Governmental entities have the power to inspect and require the submission of numerous private business records to ensure the compliance with various laws and regulations. Examples include, records regarding lawful employment status, payroll records for compliance with state and federal wage and hour laws, records regarding employment decisions, and health, safety, and medical records.

Prevailing wage payroll records are good examples of records that governmental entities are increasingly collecting from government contractors as a matter of course, regardless of whether there is a question concerning compliance.

Associated Builders & Contractors of Wisconsin represents more than 850 contractors in Wisconsin. Nearly 400 of our members work on projects covered by the state's prevailing wage law. All of our 850 contractors are required to

provide some kind of information to governmental entities regardless of if they work on prevailing wage projects or not.

Private employees and businesses who contract with governmental entities have a reasonable and substantial expectation of privacy that their personal and confidential information in the hands of the government not be generally made available to the public.

AB 196 generally provides for the protection of an employee's home address, e-mail address, home telephone number, and social security number. The bill also specifically provides for protection of the name or other personally identifiable information relating to an employee who is performing work on a project where the employer is required to pay prevailing wages.

Specifically shielding the identities of the private employees is important for a number of reasons. Once you get a person's name in today's world, substantial amounts of information about them are just a mouse click away. That includes their home address and telephone number, and with that the ability to contact them without consent.

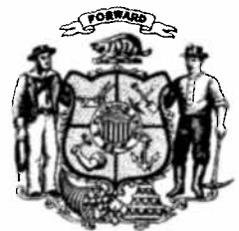
Access to public records cannot be restricted based on the requester's identity or intent. In other words, if one person can get the information, anyone can get the information for whatever purpose - - good or bad.

Because AB 196 provides protection of an employee's privacy rights and specific protection for those employees who work on projects covered by the prevailing wage law ABC urges passage.

Thank you for your consideration. I would be glad to take any questions.



# WISCONSIN STATE LEGISLATURE





22 EAST MIFFLIN STREET, SUITE 900  
MADISON, WI 53703  
TOLL FREE: 1.866.404.2700  
PHONE: 608.663.7188  
FAX: 608.663.7189

## MEMORANDUM

TO: Honorable Members of the Assembly Committee on Government Operations  
and Spending Limitations

FROM: Jennifer Sunstrom, Legislative Associate JS

DATE: April 23, 2003

RE: Assembly Bill 196

The Wisconsin Counties Association (WCA) appreciates the opportunity to comment on current issues related to Wisconsin's Open Records Law as well as those changes that have been proposed in Assembly Bill 196.

WCA believes that current efforts to clarify the requirements of the open records law are a step in the right direction. Specifically, limiting the number of public employee records that are open to public access and those that require notice and judicial review will create a more manageable and understandable system for custodians of public records. In addition, WCA supports the preemptive clarification that the *Woznicki* decision cannot extend entitlement of notice or judicial review of a decision of an authority, regardless of whether the record subject is a public employee.

However, WCA has serious concerns regarding the definition of "local governmental office" which is expanded under the bill to include any appointive office or position of a local government unit which an individual serves as the head of a department, agency, or division of the local governmental unit. County department heads are not public offices, but rather public employees which are directed to carry out policy decisions of elected officials. Removing their protection of privacy under the open records law either as current employees or as candidates for employment will negatively affect the ability of local governments to attract and retain highly qualified individuals to serve in these positions.

In addition, WCA respectfully opposes the continued ability of a record subject to name the authority as a defendant. Once an authority fulfills the obligation of applying the balancing test and determining whether the record subject is entitled to notice and judicial review, there is little potential for the authority to have substantive impact on the outcome of future litigation. Therefore, WCA respectfully requests legislative authority for a county to commence a civil action and relinquish the requested record to the circuit court, in camera, to allow the interested parties an opportunity to petition the court relating to the record without involving the county further in the legal process.

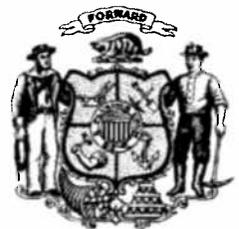
Page 2  
WCA Memorandum  
April 23, 2003

Although legislative clarification to the scope of the *Woznicki* decision is a tremendous improvement to the open records law, WCA respectfully requests that the legislature not limit the scope of its review to this one aspect of the Open Records Law. Specifically, WCA believes that there is growing need for statutory review and guidance of issues related to personal privacy, public security, market rate fees, internet access and local government liability given the changing nature of public information and open access in today's technological age.

Thank you for considering our comments. If you have any questions, please feel free to call the WCA office.



# WISCONSIN STATE LEGISLATURE



# WISCONSIN PROFESSIONAL POLICE ASSOCIATION

## MEMORANDUM

**TO:** Assembly Government Operations and Spending Limitations Committee  
Rep. Frank Lasee, Chair

**FROM:** Steven J. Urso, Executive Assistant  
James L. Palmer, Legislative Lobbyist

**DATE:** April 23, 2003

**RE:** **Assembly Bill 196**

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After carefully reviewing AB 196, the Wisconsin Professional Police Association offers the following amendment. The WPPA believes that this language addresses the concerns of record request subjects whose personal safety might be at risk. In addition, this amendment would safeguard the integrity of ongoing criminal investigations.

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

**(2)(a)** Except as provided in pars. (b) and (c) and as otherwise authorized or required by statute, if an authority decides under s. 19.35 to permit access to a record specified in this paragraph, the authority shall, before permitting access and within 3 days after making the decision to permit access, serve written notice of that decision on any record subject to whom the record pertains, either

by certified mail or by personally serving the notice on the record subject. The notice shall briefly describe the requested record and include a description of the rights the record subject under subs.

(3) and (4). This paragraph applies only to the following records:

\* \* \* \*

4. A record shall be closed and shall be redacted from any record made available pursuant to this section or as otherwise provided by statute if it contains information that is reasonably likely to do any of the following:

a. pose a threat to the personal safety of any victim, witness, undercover law enforcement officer, or other person; or

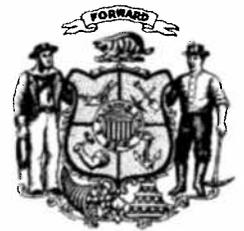
b. jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or

c. which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions.

\* \* \* \*



# WISCONSIN STATE LEGISLATURE





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608/267-2380  
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Fax: 608/267-0645

E-mail: [league@lwm-info.org](mailto:league@lwm-info.org)  
[www.lwm-info.org](http://www.lwm-info.org)

**To: Representative Frank Lasee, Chair, Assembly Committee on Government Operations and Spending Limitations  
Members of the Assembly Committee on Government Operations and Spending Limitations**

**From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities**

**Date: April 23, 2003**

**Re: Support for AB 196, Clarifying when a *Woznicki* Notice is Necessary**

The League of Wisconsin Municipalities supports AB 196, the compromise legislation prepared by the Special Committee on Review of the Open Records law. The League supports the bill because it limits the situations in which a records custodian is required to provide a record subject a *Woznicki* notice before releasing the requested record. The bill significantly narrows the *Woznicki* notice requirement to a few situations involving the release of certain employee personnel records.

Municipal officials struggle every day to comply in a timely and cost effective manner with a public records law that has grown more confusing in recent years as a result of court decisions. Local government record custodians need guidance on the issue of when a *Woznicki* notice is mandatory. This compromise bill provides that guidance.

We urge the Committee to recommend passage of AB 196. Thanks for considering our comments.