



WISCONSIN LEGISLATIVE COUNCIL

JOINT LEGISLATIVE COUNCIL MINUTES

Room 412 East, State Capitol
Madison, Wisconsin

June 12, 2007
8:45 – 11:10 a.m.

[The following is a summary of the June 12, 2007 meeting of the Joint Legislative Council. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting and a copy of the registration form listing those who attended. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

Call to Order and Roll Call

Co-Chair Wieckert called the meeting to order. The roll was called and a quorum was present.

Co-Chair Wieckert announced that bills recommended today will be introduced by the Council to the Legislature. These bills will follow the traditional process in the Legislature. Public hearings will be held on these bills in their assigned standing committees. He reminded the Council members that all Council recommendations require at least 12 votes. The period for voting will not be held open past the scheduled adjournment of today's meeting. Members must be present to vote.

Last, Co-Chair Wieckert noted that the Special Committee on the Review of State School Aid Formula will be reporting at a future meeting. Their work is completed but Senator Olsen could not attend today's meeting. He mentioned that many of the committee's recommendations have been considered by Joint Finance and that the Special Committee will report in the fall.

COMMITTEE MEMBERS
PRESENT: Rep. Steve Wieckert and Sen. Fred Risser, Co-Chairs; Reps. Joan Ballweg, Terese Berceau, Jeff Fitzgerald, Mark Gottlieb, Michael Huebsch, Dean Kaufert, Jim Kreuser, Mark Pocan, Kitty Rhoades, and Marlin Schneider; and Sens. Roger Breske, Tim Carpenter, Spencer Coggs, Alberta Darling, Russell Decker, Scott Fitzgerald, Sheila Harsdorf, Alan Lasee, Mark Miller, and Judy Robson.

COUNCIL STAFF PRESENT: Terry C. Anderson, Director; Laura Rose, Deputy Director; Don Dyke, Chief of Legal Services; John Stolzenberg, Chief of Research Services; William Ford, Joyce L. Kiel, Rachel Letzing, Pam Shannon, Ron Sklansky, Richard Sweet, and Russ Whitesel, Senior Staff Attorneys; Scott Grosz, Jessica Karls, and Larry Konopacki, Staff Attorneys; and Kelly Mautz, Wendy Ulrich, and Tracey Young, Administrative Assistants.

APPEARANCES: Rep. Terry Musser, Chair, Special Committee on Recodification of Chapter 21, Military Affairs; Michael Pyritz, Aide for Rep. Jeff Stone, Chair, Special Committee on Airport Authorities; Lance Burri, Aide for Rep. Mark Gundrum, Chair, Special Committee on District Attorney Funding and Administration; Rep. Louis Molepske, Member, Special Committee on District Attorney Funding and Administration; Rep. Leah Vukmir, Chair, Special Committee on Charter Schools; Sen. Glenn Grothman, Chair, Special Committee on Affirmative Action; Sen. Neal Kedzie, Chair, Special Committee on Great Lakes Water Resources Compact; and Rep. Robin Vos, Chair, Special Committee on Expunction of Criminal Records.

OTHERS PRESENT: Rep. John Townsend.

Approval of the Minutes of the Committee's May 10, 2007 Meeting

Co-Chair Wieckert asked for a motion to approve the May 10, 2007 minutes of the Joint Legislative Council.

Sen. Miller moved, seconded by Rep. Ballweg, that the minutes of the May 10, 2007 meeting be approved. The motion was adopted by unanimous consent.

Final Committee Reports

Special Committee on Recodification of Chapter 21, Military Affairs

Representative Terry Musser, Chair, briefly reported on the work of the Special Committee and LRB-0517/1, the committee's recommended draft.

Co-Chair Wieckert asked if there was any discussion on this proposal. After hearing none:

Sen. Risser moved, seconded by Rep. Schneider, that LRB-0517/1, relating to powers and duties of the Department of Military Affairs, the adjutant general, military officers, military property and assets, the national guard, the state defense force, rights of service personnel, the Wisconsin Code of Military Justice, making an appropriation, and providing a penalty, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 22 (Reps. Wieckert, Ballweg, Berceau, Fitzgerald, Gottlieb, Huebsch, Kaufert, Kreuser, Pocan, Rhoades, and Schneider; and Sens. Risser, Breske, Carpenter, Coggs, Darling, Decker, Fitzgerald, Harsdorf, Lasee, Miller, and Robson); and Noes, 0.

Status Report of the Special Committee on Airport Authorities

Speaking on behalf of Representative Jeff Stone, Chair, Special Committee on Airport Authorities, Michael Pyritz, Representative Stone's Aide, presented a letter to the Joint Legislative Council from Representative Stone on the progress and current position of the Special Committee.

The letter informed the Council that the delay of legislation to date is the result of a competing piece of possible legislation that would create regional transportation authorities. The letter stated that a bill will be able to be introduced that will reflect the efforts of the committee. The impact of the other potential legislation will need to be better understood before a final item is submitted for consideration. Representative Stone is asking that the committee have one last meeting to approve a final draft for the Joint Legislative Council to consider.

Co-Chair Wieckert asked Mr. Pyritz if he thought giving the committee until July 15 would be enough time for this work to be completed. Mr. Pyritz responded that he thought this would be enough time.

Rep. Wieckert moved, seconded by Sen. Miller, that the Special Committee on Airport Authorities be given until July 15, 2007 to complete their work and report to the Joint Legislative Council, or dissolve. The motion passed on a roll call vote as follows: Ayes, 22 (Reps. Wieckert, Ballweg, Berceau, Fitzgerald, Gottlieb, Huebsch, Kaufert, Kreuser, Pocan, Rhoades, and Schneider; and Sens. Risser, Breske, Carpenter, Coggs, Darling, Decker, Fitzgerald, Harsdorf, Lasee, Miller, and Robson); and Noes, 0.

Special Committee on District Attorney Funding and Administration

On behalf of Representative Mark Gundrum, Chair, Special Committee on District Attorney Funding and Administration, Don Dyke, Legislative Council staff, reported that the Special Committee focused on state administration of district attorneys and assistant district attorneys. He reported that Chair Gundrum had urged the Wisconsin District Attorneys Association and the Association of State Prosecutors to recommend a revised structure for state administration of district attorneys. No recommendation has been forthcoming; therefore, Chair Gundrum decided not to continue the Special Committee.

Representative Louis Molepske, Member, Special Committee on District Attorney Funding and Administration, asked to address the Council. He expressed disappointment that this committee could not come forth with a recommendation and continue in their deliberations.

Lance Burri, Representative Gundrum's Aide, affirmed that discussions continue between the Wisconsin District Attorneys Association and the Association of State Prosecutors. He noted Chair Gundrum's continuing interest in these issues and suggested Chair Gundrum is open to working with Representative Molepske in this regard.

Co-Chair Wieckert noted that the report had been received by the Joint Legislative Council.

Status Report of the Special Committee on Charter Schools

Representative Leah Vukmir, Chair, Special Committee on Charter Schools, gave a brief status report on the activities to date of the committee.

She stated that, as a result of committee discussions, a draft has been prepared that will form the basis of the committee's recommendation. The draft expands the number of entities that may establish charter schools and creates an appeal process for decisions made by school boards and other chartering entities relating to charter schools. She noted that the committee has not yet voted on the draft.

Representative Vukmir asked that the committee be permitted to have one last meeting to discuss and vote on a final draft for the Joint Legislative Council to consider.

Co-Chair Wieckert asked Representative Vukmir if she thought giving the committee until July 15 would be enough time for the committee to complete its work. She responded that she thought so.

Rep. Wieckert moved, seconded by Sen. Risser, that the Special Committee on Charter Schools be given until July 15, 2007 to complete its work and that the committee be dissolved after that date. The motion passed on a roll call vote as follows: Ayes, 22 (Reps. Wieckert, Ballweg, Berceau, Fitzgerald, Gottlieb, Huebsch, Kaufert, Kreuser, Pocan, Rhoades, and Schneider; and Sens. Risser, Breske, Carpenter, Coggs, Darling, Decker, Fitzgerald, Harsdorf, Lasee, Miller, and Robson); and Noes, 0.

Special Committee on Affirmative Action

Senator Glenn Grothman, Chair, Special Committee on Affirmative Action, identified the following three bill drafts recommended to the Joint Legislative Council:

1. **WLC: 0112/3**, relating to affirmative action practices in state and local government contracting and state and local government hiring, and the consideration of race or ethnicity in the University of Wisconsin System and by the Higher Educational Aids Board.
2. **WLC: 0110/3**, relating to certification and recognition of women-owned businesses and minority businesses, minority financial advisers, and minority investment firms.
3. **WLC: 0115/2**, relating to information on state contracts with businesses.

Senator Grothman asked that, if introduced by the Council, these drafts be introduced as companion bills.

Co-Chair Wieckert asked whether it was Senator Grothman's preference to have these drafts voted on as a package or individually. Senator Grothman responded that he did not have a preference, but stated that voting on the drafts individually would probably be the best route.

Co-Chair Wieckert asked if there was any discussion on these drafts.

Senator Coggs asked Senator Grothman to explain why WLC: 0112/3 would deny a preference to minority group members who own, control, and actively manage businesses that are minority businesses, minority financial advisers, or minority investment firms under s. 560.036, Stats., if these members were permanent legal residents but not U.S. citizens.

Senator Grothman responded that it was his understanding that the preferences were created to respond to past occurrences of discrimination. He stated that he felt it would not be necessary to include permanent legal residents, since they likely would not have personally suffered past discrimination in the United States.

Representatives Wieckert and Schneider asked about the effect of WLC: 0112/3 on the 51% ownership requirement for certification of a business as a minority-owned business. Scott Grosz, Legislative Council staff, responded to their questions and clarified the likely effect of WLC: 0112/3.

After an in depth discussion on following the scope of the committee's assignment and concerns covered in the minority report submitted by some members of the Special Committee, Senator Darling stated that she thought these bills warranted further debate by the full Legislature. Additionally, Senator Grothman responded to the minority report. Legislative Council staff clarified several questions regarding the bill drafts. Several members of the Council expressed apprehension about moving these drafts through the legislative process under the Joint Legislative Council label. They thought it might be better to have them introduced by an individual legislator.

Rep. Huebsch moved, seconded by Sen. Lasee, that WLC: 0112/3, relating to affirmative action practices in state and local government contracting

and state and local government hiring, and the consideration of race or ethnicity in the University of Wisconsin System and by the Higher Educational Aids Board, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 12 (Reps. Wieckert, Ballweg, Fitzgerald, Gottlieb, Huebsch, Kaufert, and Rhoades; and Sens. Carpenter, Darling, Fitzgerald, Harsdorf, and Lasee); and Noes, 10 (Reps. Berceau, Kreuser, Pocan, and Schneider; and Sens. Risser, Breske, Coggs, Decker, Miller, and Robson).

It was moved by Sen. Lasee, seconded by Rep. Gottlieb, that WLC: 0110/3, relating to certification and recognition of women-owned businesses and minority businesses, minority financial advisers, and minority investment firms, be introduced by the Joint Legislative Council. The motion failed on a roll call vote as follows: Ayes, 11 (Reps. Wieckert, Ballweg, Fitzgerald, Gottlieb, Huebsch, Kaufert, Rhoades, and Schneider; and Sens. Darling, Fitzgerald, and Lasee); and Noes, 11 (Reps. Berceau, Kreuser, and Pocan; and Sens. Risser, Breske, Carpenter, Coggs, Decker, Harsdorf, Miller, and Robson).

It was moved by Sen. Lasee, seconded by Rep. Kaufert, that WLC: 0115/2, relating to information on state contracts with businesses, be introduced by the Joint Legislative Council. The motion failed on a roll call vote as follows: Ayes, 11 (Reps. Wieckert, Ballweg, Fitzgerald, Gottlieb, Huebsch, Kaufert, and Rhoades; and Sens. Darling, Fitzgerald, Harsdorf, and Lasee); and Noes, 11 (Reps. Berceau, Kreuser, Pocan, and Schneider; and Sens. Risser, Breske, Carpenter, Coggs, Decker, Miller, and Robson).

Status Report of the Special Committee on the Great Lakes Water Resources Compact

Senator Neal Kedzie, Chair, Special Committee on Great Lakes Water Resources Compact, presented a progress report on the work of the Special Committee. He said that the work is vital in determining if the State of Wisconsin should or should not enter into the Great Lakes Water Resources Compact and requested that the Council grant the committee the latitude and flexibility to carry out the committee's charge with additional meetings.

Co-Chair Wieckert asked Senator Kedzie if he thought this could be accomplished by July 15.

Senator Kedzie stated that this would be too tight of a timeline. After discussing the future goals of the committee:

Senator Miller moved, seconded by Rep. Huebsch, that the Special Committee on Great Lakes Water Resources Compact be given until September 15, 2007 to complete their work and to be dissolved after that date. The motion passed on a roll call vote as follows: Ayes, 19 (Reps. Wieckert, Berceau, Fitzgerald, Gottlieb, Huebsch, Kaufert, Kreuser, Pocan, Rhoades, and Schneider; and Sens. Risser, Breske, Carpenter,

Coggs, Darling, Fitzgerald, Harsdorf, Miller, and Robson); Noes, 0; and Absent, 3 (Rep. Ballweg; and Sens. Decker and Lasee).

Special Committee on Expunction of Criminal Records

Representative Robin Vos, Chair, Special Committee on Expunction of Criminal Records, reported on the work of the committee. He noted that the committee focused on a draft creating a conditional discharge procedure under which a person could, by complying with certain court-ordered requirements, avoid a criminal conviction for most misdemeanors. Because the members of the Special Committee could not reach a consensus regarding the draft legislation and other issues, he permanently adjourned the committee.

Co-Chair Wieckert noted that the report had been received by the Joint Legislative Council.

Other Business

There was no other business to come before the Joint Legislative Council.

The next Joint Legislative Council meeting will be held at the call of the Co-Chairs.

Adjournment

The meeting was adjourned at 11:10 a.m.

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