



WISCONSIN LEGISLATIVE COUNCIL

JOINT LEGISLATIVE COUNCIL MINUTES

Room 411 South, State Capitol
Madison, Wisconsin

May 10, 2007
8:30 – 10:30 a.m.

[The following is a summary of the May 10, 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 Risser called the meeting to order. Since a quorum was not immediately present, the roll was directed to be left open and members recorded as they arrived. Shortly thereafter, a quorum was noted present.

Co-Chair Risser first announced that he intended to keep to the times established. Because of the limited time, it will not be possible to accommodate any public appearances. However, he reminded the members, 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 then 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.

Next, Co-Chair Risser noted that WLC: 0091/1, relating to creating a presumption of reasonableness for drainage district board orders, recommended by the Special Committee on Navigability and Drainage Ditches, was on today's agenda. This bill failed introduction at the Council's March 14 meeting. As the result of a petition for reconsideration being circulated after the last meeting and receiving 12 votes, the bill is allowed to be reconsidered for introduction.

He mentioned to the Council members that they would soon be receiving a mail ballot to approve the membership of the Law Revision Committee.

Last, he announced that the Council would be receiving a report from La Follette School of Public Affairs students on the Capstone Project regarding effective criminal justice strategies. This is a presentation by graduate students that we hear each spring.

COMMITTEE MEMBERS
PRESENT:

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

COMMITTEE MEMBER
EXCUSED:

Sen. Alan Lasee.

COUNCIL STAFF PRESENT:

Terry C. Anderson, Director; Laura Rose, Deputy Director; John Stolzenberg, Chief of Research Services; Rachel Letzing, Mary Matthias, Mark Patronsky, Don Salm, Anne Sappenfield, Pam Shannon, and Richard Sweet, Senior Staff Attorneys; Scott Grosz and Jessica Karls, Staff Attorneys; David L. Lovell and Dan Schmidt, Senior Analysts; Christina Enders, Council Intern; and Julie Learned, Kelly Mautz, and Wendy Ulrich, Administrative Assistants.

APPEARANCES:

Katie Battiato, Callie Gray, Patrick Mueller, and Angela Witt, Robert M. La Follette School of Public Affairs, University of Wisconsin (UW)-Madison; Rep. Joan Ballweg, Chair, Special Committee on Disaster Preparedness Planning; Reps. Garey Bies and Scott Suder, Co-Chairs, Special Committee on Placement of Sex Offenders; Sen. Roger Breske, Chair, Special Committee on State Trails Policy; Rep. Phil Montgomery, Chair, Special Committee on Nuclear Power; and Rep. Steve Kestell, Chair, Special Committee on Strengthening Wisconsin Families.

OTHERS PRESENT:

Sens. Luther Olsen and Lena Taylor; and Rep. J.A. Hines.

**Report From La Follette School of Public Affairs Students
on the Capstone Project Regarding Effective
Criminal Justice Strategies**

Kate Battiato, Callie Gray, Patrick Mueller, and Angela Witt, students from the Robert M. La Follette School of Public Affairs, UW-Madison, gave an informative PowerPoint presentation on *Justice Alternatives for Wisconsin: Reducing the Costs of the Criminal Justice System*. This report is the result of collaboration between the Robert M. La Follette School of Public Affairs at the UW-Madison and the Joint Legislative Council and is a requirement of the Workshop in Public Affairs, Domestic Issues Class. The objective is to provide graduate students at La Follette the opportunity to improve their policy analysis skills while contributing to the capacity of the Joint Legislative Council to provide the Legislature with high-quality analysis on issues of concern to the citizens of this state.

Co-Chair Risser and other Council members thanked them for their excellent presentation and for all the hard work they observably put into this. Copies of the complete report are available on our Web site at <http://www.legis.state.wi.us/lc>.

**Reconsideration of WLC: 0091/1, Relating to Creating a
Presumption of Reasonableness for Drainage District Board Orders,
Offered by the Special Committee on Navigability and Drainage Ditches**

Co-Chair Risser directed the Council members' attention to Agenda Item 3, reconsideration of WLC: 0091/1, recommended by the Special Committee on Navigability and Drainage Ditches.

He explained the Council's reconsideration procedure, which was adopted in 1979. He stated that a reconsideration petition is circulated; if it is signed by a majority of Council members, reconsideration of the draft in question must be taken up at one of the next two meetings of the Council.

He said that at the March 14 meeting, WLC: 0091/1 failed to get the necessary votes required for introduction by the Joint Legislative Council. Subsequent to the meeting, a petition for reconsideration, signed by 12 Council members, were submitted to the Council on the proposal.

Sen. Risser moved, seconded by Rep. Wieckert, that WLC: 0091/1, relating to creating a presumption of reasonableness for drainage district board orders, recommended by the Special Committee on Navigability and Drainage Ditches, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 12 (Sens. Breske, Darling, Fitzgerald, and Harsdorf; and Reps. Wieckert, Ballweg, Fitzgerald, Gottlieb, Huebsch, Kaufert, Rhoades, and Schneider); Noes, 8 (Sens. Risser, Carpenter, Cogs, Miller, and Robson; and Reps. Berceau, Kreuser, and Pocan); and Absent, 2 (Sens. Decker and Lasee).

Approval of the Minutes of the Committee's March 14, 2007 Meeting

Co-Chair Risser asked for a motion to approve the March 14, 2007 minutes of the Joint Legislative Council.

Sen. Carpenter moved, seconded by Rep. Wieckert, that the minutes of the March 14, 2007 meeting be approved. The motion was adopted by unanimous consent.

Reports of 2007 Special Committees

Special Committee on Disaster Preparedness Planning

Representative Joan Ballweg, Chair, reported on the activities of the committee and described in detail the five drafts recommended to the Joint Legislative Council. After a brief discussion related to preparedness, Co-Chair Risser asked that the five bills be voted on *en masse*.

Rep. Schneider moved, seconded by Sen. Robson, that the following five drafts recommended by the Special Committee on Disaster Preparedness Planning, be introduced en masse:

- 1. LRB-2213/1, relating to designation of state agency status for certain health care facilities that use volunteer providers during a declared state of emergency.*
- 2. LRB-2214/1, relating to declarations of emergencies by counties.*
- 3. LRB-2215/1, relating to immunity from liability for qualified food and emergency household products.*
- 4. LRB-2216/1, relating to creating an interoperability council.*
- 5. LRB-2230/1, relating to requiring public and private schools to conduct tornado or other hazard drills.*

The motion passed on a roll call vote as follows: Ayes, 21 (Sens. Risser, Breske, Carpenter, Coggs, Darling, Decker, Fitzgerald, Harsdorf, Miller, and Robson; and Reps. Wieckert, Ballweg, Berceau, Fitzgerald, Gottlieb, Huebsch, Kaufert, Kreuser, Pohan, Rhoades, and Schneider); Noes, 0; and Absent, 1 (Sen. Lasee).

After the vote was taken, Representative Schneider asked if there was a specific reason that five separate drafts were introduced, rather than one combined draft. Representative Ballweg responded that each draft was so different in nature, the Special Committee requested they be drafted as separate bill drafts.

Representative Schneider asked if they could be combined into one draft and Representative Ballweg stated that they could be combined.

Special Committee on Placement of Sex Offenders

Representatives Suder and Bies, Co-Chairs of the Special Committee, briefly reported on the work of the committee and described LRB-2293/2, the committee's recommended draft.

Representative Schneider asked how the provisions of the bill draft requiring the Department of Corrections and the sentencing court to impose child safety zones where persons convicted of sexual assault of a child may not enter do not result in more offenders being placed in rural areas. Representative Suder responded that the safety zones are tailored for each offender. Therefore, the bill draft does not create places in the state where no child sex offender may be placed.

Senator Darling commended the committee's work and said that the Joint Legislative Council has established many committees relating to sex offenders over the last several years.

Representative Pocan asked whether the committee had voted on the individual provisions of the bill draft. Representatives Suder and Bies responded that votes on the individual provisions are described in the minutes of the committee's February 15, 2007 meeting.

Co-Chair Risser asked for a motion on the draft.

Rep. Wieckert moved, seconded by Rep. Fitzgerald, that LRB-2293/2, relating to disclosure of information regarding sexually violent persons, creating a definition of high-risk sex offender, child safety zones, sex offender registry requirements, the sex offender registry Web site, and disclosure of sex offender registry and global positioning system tracking information to postsecondary educational institutions, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 18 (Sens. Risser, Breske, Carpenter, Coggs, Darling, Fitzgerald, Harsdorf, Miller, and Robson; and Reps. Wieckert, Ballweg, Berceau, Fitzgerald, Gottlieb, Huebsch, Kaufert, Pocan, and Schneider); Noes, 0; and Absent, 4 (Sens. Decker and Lasee; and Reps. Kreuser and Rhoades).

Special Committee on State Trails Policy

Senator Roger Breske, Chair, Special Committee on State Trails Policy, highlighted the key points in LRB-2482/1.

After a brief discussion of the provisions in the draft related to the gas tax transfer for funding of all-terrain vehicle (ATV) programs, Co-Chair Risser asked for a motion on the draft:

Rep. Wieckert moved, seconded by Rep. Schneider, that LRB-2482/1, relating to ATV operation and funding, and other off-road vehicle issues, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 17 (Sens. Risser, Breske, Carpenter, Coggs, Darling, Fitzgerald, Harsdorf, Miller, and Robson; and Reps. Wieckert, Ballweg, Berceau, Fitzgerald, Huebsch, Kaufert, Pocan, and

Schneider); Noes, 1 (Rep. Gottlieb); and Absent, 4 (Sens. Decker and Lasee; and Reprs. Kreuser and Rhoades).

Special Committee on Nuclear Power

Representative Phil Montgomery, Chair, Special Committee on Nuclear Power, identified the following three bill drafts recommended to the Joint Legislative Council:

1. **LRB-2129/1**, relating to repeal of the limits on the construction of nuclear power plants.
2. **LRB-2130/1**, relating to requiring the PSC to investigate future electric supplies after the operating licenses of nuclear power plants in the state expire.
3. **LRB-2131/1**, relating to requiring the PSC to advocate on matters related to the centralized interim storage of, and any license application for a federal repository for, high-level radioactive waste and transuranic waste, and requiring nuclear power plant owners and operators to provide information required by the PSC.

Representative Montgomery identified the amounts of money Wisconsin residents have paid into the federal Nuclear Waste Management Fund, with no benefit in return to date and the amounts nuclear reactor operators are spending to manage closed facilities and spent fuel, in the absence of federal action to address the long-term disposal of nuclear wastes.

Co-Chair Risser asked if there was a motion for introduction *en masse*.

Senator Fitzgerald delivered a letter requesting appointment of Senator Luther Olsen to replace absent Council member Senator Alan Lasee. Co-Chair Risser deferred this to Senator Judy Robson, Majority Leader.

Representative Huebsch expressed concern that by not acting on Senator Fitzgerald's request, this was setting a precedent that the minority party being heard and having the votes for introduction will be going away. Senator Robson responded that she received this request at 9:40 a.m., well over an hour into the meeting. She said that she was not going to start the practice of trading bodies for votes. She stated that the Joint Legislative Council is a body of order.

Co-Chair Risser stated that the vote on the drafts, *en masse*, would be taken:

Rep. Huebsch moved, seconded by Rep. Gottlieb, that the following three drafts recommended by the Special Committee on Nuclear Power, be introduced en masse:

1. *LRB-2129/1, relating to repeal of the limits on the construction of nuclear power plants.*
2. *LRB-2130/1, relating to requiring the PSC to investigate future electric supplies after the operating licenses of nuclear power plants in the state expire.*

3. *LRB-2131/1, relating to requiring the PSC to advocate on matters related to the centralized interim storage of, and any license application for a federal repository for, high-level radioactive waste and transuranic waste, and requiring nuclear power plant owners and operators to provide information required by the PSC.*

The motion passed on a roll call vote as follows: Ayes, 12 (Sens. Darling, Fitzgerald, and Harsdorf; and Reps. Wieckert, Ballweg, Fitzgerald, Gottlieb, Huebsch, Kaufert, Kreuser, Rhoades, and Schneider); Noes, 9 (Sens. Risser, Breske, Carpenter, Coggs, Decker, Miller, and Robson; and Reps. Berceau and Pocan); and Absent, 1 (Sen. Lasee).

Special Committee on Strengthening Wisconsin Families

Representative Steve Kestell, Chair, Special Committee on Strengthening Wisconsin Families, reported on the activities of the committee and described WLC: 0103/3, relating to the Wisconsin technical college system and higher education financial aid eligibility and requiring the exercise of rule-making authority.

Co-Chair Risser asked if there was any discussion on this draft. Hearing none:

Rep. Wieckert moved, seconded by Sen. Coggs, that WLC: 0103/3, relating to the Wisconsin technical college system and higher education financial aid eligibility and requiring the exercise of rule-making authority, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 21 (Sens. Risser, Breske, Carpenter, Coggs, Darling, Decker, Fitzgerald, Harsdorf, Miller, and Robson; and Reps. Wieckert, Ballweg, Berceau, Fitzgerald, Gottlieb, Huebsch, Kaufert, Kreuser, Pocan, Rhoades, and Schneider); Noes, 0; and Absent, 1 (Sen. Lasee).

Other Business

Sen. Coggs moved, seconded by Rep. Kreuser, that any 2006-07 interim study committees that are not in the process of drafting any legislation or are not planning on introducing any legislation this legislative session terminate their work.

Several Council members expressed concern about bringing this motion to the table without notice or appropriate discussion and asked that it be deferred until the next Council meeting.

Co-Chair Risser agreed and stated that this would be on the agenda for the next Joint Legislative Council meeting. He noted that each study committee that has not yet reported will be directed to report at the next Council meeting. If they are not ready to report, the chair must appear and explain why the Special Committee should continue.

Co-Chair Risser mentioned that he and Co-Chair Wieckert have been discussing starting the study committee process earlier so that committees would finish up in a timelier manner, coinciding more with the Legislature's schedule.

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

Adjournment

The meeting was adjourned at 10:30 a.m.

TCA:wu;ksm