

# ☞ 07hr\_SC-LEUA\_Misc\_pt20



☞ March 5, 2008 ... Public Hearing & Executive Session

(FORM UPDATED: 08/11/2010)

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

### 2007-08

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Labor, Elections and Urban Affairs (SC-LEUA)

### 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**

\* Contents organized for archiving by: Mike Barman (LRB) (October/2010)

LEUA Hearing & Exec  
Wednesday, March 5, 2008

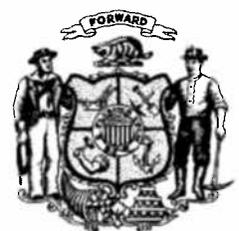
- Public Hearing first
  - SB 295, Qualification Based Selection
    - Has substitute amendment, as amended:
    - Requires local unit of government to hire a contractor for a project costing \$250,000 or more to rank the consultants on certain criteria
      - Specialized experience, capabilities, technical competence, quality of work, ability to meet schedules, proposed method of project management
    - Local must enter into negotiations with the highest ranked consultant
    - If they can't reach agreement, go down list in order
    - If no agreement reached with any consultant, can re-bid any other permissible way
    - Does NOT apply to projects for public health or welfare due to an emergency situation
    - Milwaukee doesn't like, but hasn't taken official position. MPS doesn't like, will register against.
      - Also opposed by League of Munis, Brown County, Waukesha County, Alliance of Cities, & Towns Assn.
  - SB 404, penalties for hiring illegal aliens
    - Any companies that hires an illegal alien, for 7 years can't:
      - Receive any income or other tax credit
      - Contract with state or local government for just about anything
      - Receive any grant or loan from a local government
    - Has amendment:
      - Copies federal law regarding hiring of illegal aliens
      - Clarifies "good faith effort" by employer to rectify hiring of illegal alien within 30 days after receiving notice

- NO ONE registered in favor of the bill. 9 big business groups registered as opposed
  - SB 471, Health Care costs for public safety officers *-direct deposit*
    - Bill, as amended, allows ETF to directly send up to \$3000 from pension payments to health care companies for premiums
    - Authorized by Congress last year, but ETF needs statutory authority to do it
    - Amendment would authorize positions and expenditure authority to ETF
  - SB 528, Joint fire district levy limit expansion
    - Munis with joint fire districts need exemption from levy limits to pay off revenue bonds related to the fire district
    - Should have been included in the biennial budget bill but was caught up with Revenue
  - SB 530, Red light running bill
    - Allows munis to install cameras to catch people who run red lights and issue tickets
    - Amended extensively in the Assembly committee
  - AB 628, charitable organizations reporting
    - Extends time period to report charitable contributions from 6 to 7 months
    - Unanimous passage in Assembly
- Executive Session
  - AB 69
    - Motion on adoption of Senate Amendment 1
    - Motion on concurrence as amended
  - SB 462
    - Motion on adoption of Senate Amendment 1
    - Motion on adoption of Senate Amendment 2
    - Motion on adoption of Senate Amendment 3
    - Motion on passage as amended
  - SB 494
    - Motion on passage
  - SB 512
    - Motion on passage
  - SB 471
    - Motion on adoption of senate amendment 1
    - Motion on passage as amended

- SB 528
  - Motion on passage
- SB 530
  - Motion on passage
- AB 628
  - Motion on concurrence
- WILL NOT be voting on SB 295 and 404
  - Can say we heard too many concerns during hearing



# WISCONSIN STATE LEGISLATURE



Cool ... LEUA Hearing re Exec 2/5/08

SB295 - Plale + Gottlieb

- both have written testimony
- state + feds have had good experiences w/ that

- Carol Godiksen

- has folder of info + written testimony
- one of 4 states w/o this process
- mentions QBS used successfully on MIP
- SC - using 'subjective art' rather than by price
- why is lowest price not as applicable?
- won't big guys get best deal?
- "cheap design is expensive" - explain

- Rosalie Morgan

- has written testimony
- testimony mentions DBE's
- SC ?'s about bidding for DBE's
- has been involved

- Stan Sugden

- has written testimony

- Curt Witynski

- has written testimony
- SC asks for re-iteration that this is a mandate

- Rick Norris, Norris + Assoc.

- independent monitor of DBE's @ Miller Park
- feels there's flexibility in QBS
- price influences decision
- analogy to going to doctor
- some people bid w/ expectation that change orders will cover problems

## SB 295 cont.

### - Rick Norris (cont.)

- "bid shopping"
- better comparison on qualifications
- exported work to other countries
- still have opportunity for best cost
- SC asks how you get proper price if it's not a factor
  - if bid is correct, muni should be able to ~~know~~ know right cost
- SC asks if bid shopping is legal
  - still happens, hurts small businesses
  - bid shopping = bid rigging? - yes
- SC asks about change orders under QBS
  - some change orders are OK
  - proposals made w/ expectation of expansion
- SC asks about QBS affecting MBE participation
  - MBE's actually do better under QBS
- SC - large firms edge out small firms
- RW clarifies we're talking about projects not contracts

### - Tom Walker

- has written testimony, extemporizes a little
- better the plan upfront, better expectation on price
- DBE participation requires government involvement
- ad nauseam for quite a while
- bill has \$ threshold for contractor
- SC - change orders under QBS cheaper?
- back & forth between SC & Walker on DBE's

## SB295 cont.

### - Michael Garlich

- comment specifically on bridges
- want to give client best product
- have to use QBS no matter the amt. on bridge work
- focuses on quality
- doesn't like gov't mandate, but likes this mandate

C wants  
→ copy

### - William Babcock (sits next to Lasee's seat)

- they run a QBS training pgm. ([www.qbswi.org](http://www.qbswi.org))
- started pgm. in 1986
  - League of Minis. endorsed pgm. in 1988

- cost becomes main focus in current system

- goes on far too long

- RW asks about multiple consultants on a single project

- SC asks about cost being important part of bids

- "get what you pay for"

### - Glen Schwalbach

- SC reads registrations

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## SB404

### - Will Sandstrom

- has props (martian in a box w/ laringitis)

- relatively insane

- talks about 2 bills in MN Senate & the Ohio version

- absolutely all over the place

## SB404 cont.

### - John Metcalf

- has written testimony from himself + others
- bad for business
- creates opportunity for ID theft
- LA system
- Federal Immigration Control Act of 1986
- GCR doesn't like bill
- bill chase businesses out of state
- Wirch - concerned about cheap labor edging out US workers
- SL - how much effort put into checking background
  - illegals disappear rather than try to fix SSN mis-matches

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### - HR. 5515

Wirch reads registrations

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## SB471

### - Wirch + Rick Gale

- Wirch has written
- Gale

### - Matt Stohr

- has written testimony
- speaks to amendment
- SL asks about other employees now paying for this

Lehman reads registrations

SB 528

- Lassa
  - has written testimony

Wirch reads registrations

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SB 530

- Carpenter
    - has written testimony but no copies
  - Brian Mitchell
    - has written testimony
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AB 628

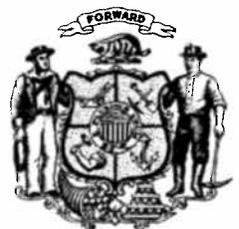
- Ziegelbauer
  - has written testimony

## EXEC

- GG - likes AB69 amendment, not bill
- BW -



# WISCONSIN STATE LEGISLATURE



*Senate*

**PUBLIC HEARING**

**Committee on Labor, Elections and Urban Affairs**

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The committee will hold a public hearing on the following items at the time specified below:

Wednesday, March 5, 2008

11:00 AM

201 Southeast

State Capitol

**Senate Bill 295**

Relating to: limiting the use of the lowest responsible bidder process and requiring local units of government to use the qualification-based selection process for certain public works consulting contracts.

By Senators Plale, Decker, Wirch, Kanavas, Hansen, Breske, Grothman and Kedzie; cosponsored by Representatives Gottlieb, Smith, Albers, Gunderson, Jeskewitz, Kerkman, Mursau, Nelson, Newcomer, A. Ott, Stone, Townsend and Hilgenberg.

**Senate Bill 404**

Relating to: making companies that hire illegal aliens ineligible for certain tax exemptions, governmental contracts, grants, and loans, granting rule-making authority, and providing penalties.

By Senators Breske, Hansen, Kreitlow, Lehman, Wirch and Decker; cosponsored by Representatives Hahn, Hines, Musser and Vruwink.

**Senate Bill 471** — call Lassa for 528 (Rick eLFB)

Relating to: payment of premiums for health or long-term care insurance coverage from annuities under the Wisconsin Retirement System and distributions from deferred compensation accounts.

By Senators Wirch, Lehman, Lassa, Robson, Roessler and Schultz; cosponsored by Representatives Van Roy, Musser, Boyle, Kaufert, A. Ott, Kerkman, Montgomery, Nygren, Gunderson, Mursau, Hahn and Hintz.

**Senate Bill 528** — call Carpenter on 530-6-8535

Relating to: expanding an exception to local levy limits for levies for debts incurred by a joint fire department.

By Senators Lassa and Olsen; cosponsored by Representatives Hines, Albers, Ballweg, Montgomery and Townsend.

**Senate Bill 530**

— call 6-0725, Luann  
for AB628

Relating to: the use of traffic control photographic systems to monitor intersections, imposing liability on the owners of vehicles involved in traffic control signal violations, and providing a penalty.

By Senator Carpenter; cosponsored by Representatives Zepnick, Honadel, Berceau, Fields, Sinicki, Black, Bies, Townsend, Soletski, Parisi, Musser, Ballweg and A. Ott.

**Assembly Bill 628**

Relating to: annual reports filed with the Department of Regulation and Licensing by certain charitable organizations.

By Representative Ziegelbauer.

*The Committee MAY hold an executive session on any of the bills heard. The Committee WILL hold an executive session on AB 69, SB 462, SB 494, and SB 512.*

*02/29/2008: Assembly Bill 628 was added to the list of items to be heard.*



Senator Spencer Coggs  
Chair