



WISCONSIN LEGISLATIVE COUNCIL

AFFIRMATIVE ACTION

Room 411 South
State Capitol
Madison, Wisconsin

June 4, 2007
6:50 p.m. – 10:55 p.m.

[The following is a summary of the June 4, 2007 meeting of the Special Committee on Affirmative Action. 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. 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

Chair Grothman called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Glenn Grothman, Chair; Sen. Lena Taylor; Reps. Tamara Grigsby, Fred Kessler, and Scott Suder; and Public Members Jean Abramowski, Rose Alcalá-Ament, Rudy Binter, Raymond Camosy, Jeffrey Dziedzic, Robert Gregg, Fred Mohs, Maria Monteagudo, Chi Sather, Kamal Shah, Kate Wagner, Vicki Washington, Jeremy Wick, and Noel Williams.

COUNCIL STAFF PRESENT: Mary Matthias, Senior Staff Attorney; and Scott Grosz, Staff Attorney.

Approval of the Minutes of the May 4, 2007 Meeting

Fred Mohs moved, second by Chair Grothman, to approve the minutes of the May 4, 2007 meeting of the committee. The motion passed on a vote of Ayes, 17 (Sens. Grothman and Taylor; Reps. Grigsby, Kessler, and Suder); and Public Members Abramowski, Alcalá-Ament, Binter, Camosy, Dziedzic, Gregg, Mohs, Monteagudo, Sather, Wagner, Washington, and Williams); and Not Voting, 1 (Public Member Wick).

<p>*ATTENTION: This was the final meeting of the Special Committee on Affirmative Action. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.</p>

Consideration of Legislative Proposals

The Special Committee on Affirmative Action commenced its meeting with a vote on WLC: 0112/2, establishing a U.S. citizenship requirement for various programs that consider race or ethnicity.

Fred Mohs moved, seconded by Mr. Camosy, to approve WLC: 0112/2, requiring U.S. citizenship for inclusion in certain programs that consider race or ethnicity. The motion passed on a vote of Ayes, 10 (Sen. Grothman; Rep. Suder; Public Members Alcala-Ament, Binter, Camosy, Dziedzic, Mohs, Sather, Wagner, and Wick); and Noes, 8 (Sen. Taylor; Reps. Grigsby and Kessler; and Public Members Abramowski, Gregg, Monteagudo, Washington, and Williams).

Next, the committee took up WLC: 0116/2, which would have required any person participating in various programs that consider race or ethnicity to affirm that he or she has at least 25% heritage in the racial or ethnic group to which they claim to belong. The draft established a penalty for any false affirmation of race or ethnicity.

Representative Suder moved, seconded by Chair Grothman, to approve WLC: 0116/2, requiring proof of 25% minority heritage for inclusion in certain programs that consider race. The motion failed on a vote of Ayes, 6 (Sen. Grothman; Rep. Suder; Public Members Alcala-Ament, Sather, Wagner, and Wick); and Noes, 12 (Sen. Taylor; Reps. Grigsby and Kessler; and Public Members Abramowski, Binter, Camosy, Dziedzic, Gregg, Mohs, Monteagudo, Washington, and Williams).

The committee then discussed WLC: 0110/2, which makes minority businesses ineligible for certain state minority business assistance programs if the net worth of any owner or director of the business exceeds \$1,000,000.

Senator Taylor moved, seconded by Vicki Washington, to amend WLC: 0110/2 by changing each occurrence of "\$1,000,000" to "\$5,000,000." The motion failed on a vote of Ayes, 6 (Public Members Mohs, Monteagudo, Sather, Wagner, Washington, and Williams); and Noes, 12 (Sens. Grothman and Taylor; Reps. Grigsby, Kessler, and Suder; and Public Members Abramowski, Alcala-Ament, Binter, Camosy, Dziedzic, Gregg, and Wick).

Chair Grothman moved, seconded by Vicki Washington, to include women-owned businesses within the provisions of the draft. The motion passed on a vote of Ayes, 13 (Sens. Grothman and Taylor; Reps. Grigsby, Kessler, and Suder; Public Members Alcala-Ament, Binter, Camosy, Dziedzic, Mohs, Wagner, Washington and Wick); and Noes, 5 (Public Members Gregg, Abramowski, Monteagudo, Sather, and Williams).

Chair Grothman moved, seconded by Fred Mohs, to approve WLC: 0110/2, as amended, establishing a net worth limitation for inclusion in

certain programs for minority-owned businesses. The motion passed on a vote of Ayes, 10 (Sen. Grothman; Rep. Suder; and Public Members Alcala-Ament, Binter, Camosy, Dziedzic, Mohs, Sather, Wagner and Wick); and Noes, 8 (Sen. Taylor; Reps. Grigsby and Kessler; and Public Members Abramowski, Gregg, Monteagudo, Washington, and Williams).

The committee then discussed, modified, and approved WLC: 0115/1, which requires the Departments of Administration and Transportation to post on a website certain information about their contracts with the private sector, and to indicate which contracts were not awarded to the lowest bidder.

Chair Grothman moved, seconded by Representative Suder, to approve WLC: 0115/1, requiring certain information regarding minority contractors to be posted on a website, with the following changes: the names of all firms contracting with the state must be included on the website, with an asterisk placed next to the names of firms that were not the lowest bidder on the contract they won. The motion passed on a vote of Ayes, 13 (Sen. Grothman; Rep. Suder; and Public Members Abramowski, Alcala-Ament, Binter, Camosy, Dziedzic, Gregg, Mohs, Sather, Wagner, Wick, and Williams); and Noes, 5 (Sen. Taylor; Reps. Grigsby and Kessler; and Public Members Monteagudo and Washington).

The committee engaged in a lengthy discussion about WLC: 0117/1, a proposed constitutional amendment that would have prohibited the consideration of race, color, ethnicity, or national origin in the operations of public employment, education, or contracting. The proposal failed to gain approval on a tie vote.

Representative Suder moved, seconded by Chair Grothman, to approve WLC: 0117/1, creating a constitutional amendment prohibiting discrimination by the state or its political subdivisions (first consideration). The motion failed on a vote of Ayes, 9 (Sen. Grothman; Rep. Suder; and Public Members Alcala-Ament, Binter, Mohs, Sather, Wagner, Wick, and Williams); and Noes, 9 (Sen. Taylor; Reps. Grigsby and Kessler; and Public Members Abramowski, Camosy, Dziedzic, Gregg, Monteagudo, and Washington).

The committee discussed several bill drafts relating to University of Wisconsin admissions policies, but took no action on them. These drafts included WLC: 0111/1, which would have required demonstration of financial need for certain financial aid, WLC: 0118/1, which would have expanded admission policies to enhance access for economically disadvantaged students, and WLC: 0114/1, which would have required an applicant to demonstrate knowledge of his or her minority culture in order to receive beneficial consideration as a member of a racial or ethnic group. The committee also considered but rejected a draft, WLC: 0109/1, which would have incorporated affirmative action requirements for federal contracting into Wisconsin law.

Senator Taylor moved, seconded by Representative Kessler, to approve WLC: 0109/1, adopting affirmative action requirements of federal law for purposes of contracting with the state. The motion failed on a vote of

Ayes, 6 (Sen. Taylor; Reps. Grigsby, and Kessler; and Public Members Dziedzic, Gregg, and Washington); and Noes, 11 (Sen. Grothman; Rep. Suder; and Public Members Alcala-Ament, Binter, Camosy, Mohs, Monteagudo, Sather, Wagner, Wick, and Williams); and Not Voting, 1 (Public Member Abramowski).

Adjournment

The meeting was adjourned at 10:55 p.m.

SG:ty