

The background of the entire image is a photograph of the Wisconsin State Capitol building. The building is a grand, classical-style structure with a large central dome topped by a golden statue. The facade features numerous tall, white columns and arched windows. The sky is bright and clear.

ALEC

EXPOSED

WISCONSIN

THE HIJACKING OF A STATE

**A REPORT FROM
THE CENTER FOR MEDIA AND DEMOCRACY**

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520 University Avenue, Suite 260

Madison, WI 53703 | (608) 260-9713

(This publication is available on the internet at ALECexposed.org)

Acknowledgements: This report is authored by Brendan Fischer. We would also like to acknowledge everyone at CMD who helped with research, writing and other support for this project – Lisa Graves, Mary Bottari, Rebekah Wilce, Sara Jerving, Harriet Rowan, Friday Thorn, Sari Williams, Patricia Barden, Nikolina Lazic, Beau Hodai, Will Dooling, Emily Osborne, and Alex Oberley. We would also like to acknowledge the work of our friends and colleagues at Common Cause, Color of Change, People for the American Way, and ProgressNow/the Institute for One Wisconsin.

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ALEC Exposed in Wisconsin: The Hijacking of a State Executive Summary

“ALEC Exposed in Wisconsin: The Hijacking of a State” is about how an exclusive network of corporate lobbyists and special interest groups influence Wisconsin law and legislators through the American Legislative Exchange Council (ALEC). ALEC describes itself as the largest “independent membership association of state legislators,” but over 98 percent of its nearly \$7 million in annual revenue comes from corporations and sources other than legislative dues, which are \$50 a year. Representatives from America’s largest corporations, including Koch Industries, Wal-Mart, Exxon Mobil, Reynolds American tobacco, and Altria/(previously Phillip Morris) fund ALEC and sit on its private sector governing board.

As the Center for Media and Democracy (CMD) has documented through its award-winning ALEC Exposed project, ALEC brings elected representatives together with lobbyists from global businesses to approve cookie-cutter legislation – that often benefits those same corporations – for introduction in state capitols from Madison to Montgomery to Tallahassee, regardless of the distinct traditions and interests of the constituents in each state.

ALEC has created a “scholarship” scheme to help cover the costs for legislators to travel to out-of-state resorts for these meetings, where the children of lawmakers and lobbyists are entertained and state legislators and their spouses are wined and dined. On these trips, ALEC arranges “task force” meetings that take place behind closed doors, away from the view of the press and public, where corporate lobbyists and elected officials vote as equals on “model” legislative templates to change the laws in states across the country.

ALEC and its corporate members then entreat Wisconsin legislators to introduce versions of these bills to make key changes to state law. ALEC members from Wisconsin who have introduced ALEC models rarely disclose that the legislation came from ALEC or was secretly voted on by corporations and special interests. This lack of transparency is compounded by the lack of full disclosure to the public of which corporations are funding trips for legislators to ALEC meetings. ALEC legislators are also not disclosing other gifts received at ALEC meetings – like Major League baseball tickets – that may violate Wisconsin’s strong ethics rules, as detailed below.

But the problems with ALEC go much deeper than a lack of transparency. Donations to ALEC from its member corporations are tax exempt because ALEC is incorporated as a 501(c)(3) charity. ALEC has reported to the IRS that it engages in zero lobbying, but ALEC’s actions tell a different story. And ALEC’s public bylaws spell out that state legislative leaders have a duty to get ALEC bills introduced.

This is the first formal report that digs deeply into the corporations and special interests reshaping Wisconsin law in ways that advance the ALEC agenda.

Key findings include:

- **32 bills or budget provisions** reflecting ALEC model legislation were introduced in Wisconsin’s 2011-2012 legislative session;
- **21 of these bills or budget provisions have passed, and two were vetoed;**
- **More than \$276,000 in campaign contributions** were made to ALEC legislators in Wisconsin from ALEC corporations in the past three election cycles so far;
- **More than \$406,000 in campaign contributions** were made to ALEC alumnus Governor Scott Walker from ALEC corporations over the same period to his state campaign account;

- **At least 49 current Wisconsin legislators** are known ALEC members, including the leaders of both the House and Senate as well as other legislators holding key posts in the state. Additionally, the Governor, the Secretary of the Department of Administration, and the Chairman of the Public Service Commission are all ALEC alumni; and

Wisconsin legislators appear to have received impermissible gifts from corporations and lobbyists through their connections to ALEC. Companies that employ lobbyists in the state are funding flights, hotel rooms, and meals for elected officials, but until CMD discovered more about these gifts, their role was cloaked by ALEC's "scholarship fund." Accordingly, CMD has asked the Government Accountability Board to address this shell game and rule that Wisconsin's ethics statutes render ALEC scholarships to be impermissible gifts.

- **At least 17 current legislators have received thousands of dollars of gifts cumulatively from ALEC corporations in the past few years**, in the form of flights and hotel rooms filtered through the ALEC "scholarship fund" (complete "scholarship" information is not available).
- **Disclosure by legislators who receive these gifts is inconsistent and in some cases non-existent.** Some disclose on their "Statement of Economic Interests," others report on their campaign filings, and some do not report at all.
- **Even if elected officials were to consistently report reimbursement from ALEC, such disclosure would fail to adequately inform Wisconsinites of what is really happening – the gifts are funded by corporations with an interest in the outcome of legislation, not from ALEC itself.** Open records requests demonstrate that ALEC's legislative leaders know which corporations are funding "scholarships." And merely describing the funder of travel as "ALEC" provides no useful information to the general public about the corporate benefactors.

Notably, Wisconsin's open records law is failing to fully illuminate ALEC's influence in the state. Wisconsin has one of the strongest open records laws in the country, yet the state co-chair of ALEC in Wisconsin, Rep. Scott Suder, has told CMD that he does not have a single email on his state email account or any other email account used for official business that references the "American Legislative Exchange Council" or "ALEC."

Rep. Suder is an ALEC leader and has been an ALEC member for at least a decade. He has attended several ALEC meetings, has co-chaired ALEC's controversial Public Safety and Elections Task Force and subcommittees, and has received thousands of dollars of corporate-funded ALEC "scholarships." Yet he claims in response to a lawful open records request that he has no records pertaining to ALEC. Speaker Jeff Fitzgerald failed to respond to open records requests for any ALEC-related records, and other ALEC members not fully responding include Rep. Tyler August, Sen. Terry Moulton, Rep. Andre Jacque, Rep. Chris Kapenga, Rep. Scott Krug, Rep. Amy Loudenberg, Rep. Travis Tranel, and Sen. Mary Lazich.

Given ALEC's extraordinary influence in Wisconsin, as documented in this report, CMD knows why these ALEC members might want to hide their communications about ALEC. But the people of Wisconsin have a right to know what they are hiding.

I. Introduction

On July 13, 2011, the Madison-based Center for Media and Democracy (CMD) unveiled over 800 “model” bills and resolutions crafted and voted upon by legislators and lobbyists at American Legislative Exchange Council (ALEC) meetings. These bills reveal the behind-the-scenes corporate collaboration reshaping our democracy, state by state, including in Wisconsin.

ALEC templates, which largely benefit member corporations, have been introduced by ALEC legislators in every state with no disclosure to the press or public that corporate lobbyists and special interest groups have pre-voted on these bills with state legislators, and in many cases drafted them.

ALEC has operated with little scrutiny for many decades. But this year, a terrible tragedy focused the media spotlight on ALEC as never before and garnered reports in the *New York Times*, *Washington Post*, *Wall Street Journal*, *Los Angeles Times*, *BusinessWeek*, *Time*, *Bloomberg*, National Public Radio, CNN, Fox News, MSNBC, and other outlets.

On February 26, 2012, high school senior Trayvon Martin was shot and killed in Sanford, Florida, by 28-year-old George Zimmerman. Martin was unarmed, thirty pounds lighter, and eleven years younger than his killer, but police and prosecutors filed no charges, citing Florida’s so-called “Stand Your Ground” law. Weeks later, the national media finally took notice of the story, prompting national discussions about race, guns, and Florida’s law, which had been duplicated in dozens of other states since being signed by Governor Jeb Bush in 2005.

How did the “Stand Your Ground” law spread so quickly? In 2005, at the behest of the National Rifle Association, ALEC’s Criminal Justice Task Force – co-chaired by Wal-Mart – adopted the Florida law as a “model” for other states. In March 2012, CMD documented and exposed that connection, and the public soon learned that other ALEC “model bills” approved by this ALEC task force had become law in recent years – including voter ID laws that make it harder for American citizens to vote, Arizona’s anti-immigrant law SB1070, bills to expand concealed carry of firearms, and more.

These and hundreds of other model bills were approved behind closed doors by ALEC legislators who voted as equals at task force meetings with ALEC private sector members – a list that includes some of the world’s largest corporations, such as Exxon Mobil, Koch Industries, Wal-Mart, Reynolds Tobacco, and Altria/Phillip Morris, as well as highly ideological “think tanks” or special interests like the controversial Heartland Institute, the Goldwater Institute, the American Tort Reform Association (which collaborates with the U.S. Chamber of Commerce), and David Koch’s Americans for Prosperity.

Also on the ALEC membership list are 49 current Wisconsin legislators, many of whom attend ALEC meetings on the corporate dime through a “scholarship” program that CMD has argued violates Wisconsin ethics and lobbying laws. The leaders of both Wisconsin’s senate and assembly, Scott and Jeff Fitzgerald, are active in ALEC. ALEC alumni leading the state include Governor Scott Walker, his appointee to head the Department of Administration, Mike Huebsch, and his appointee to head the state Public Service Commission, Phil Montgomery.

ALEC’s state leaders have an affirmative “duty” under its published bylaws to get ALEC templates introduced and enacted. Corporate-approved ALEC bills are introduced in Wisconsin and other states, where lobbyists for many ALEC member corporations also write checks donating to the political campaigns of lawmakers who advance their agenda. The typical repeating cycle is as follows:

ALEC LEGISLATIVE LAUNDRY CYCLE



The Trayvon Martin tragedy and growing public outcry about the way ALEC allows out-of-state special interests to interfere with the state legislative process has led dozens of corporate and legislative ALEC members to cut ties with the organization. Thanks to a campaign led by Color of Change, Common Cause, People for the American Way, Progress Now, CMD, and others 14 private sector members of ALEC, including major brand names like Coca-Cola, Pepsi, McDonalds, and Procter & Gamble, and 45 state legislators across the nation (both Republicans and Democrats), have announced that they no longer want to be associated with ALEC. Due to the public outcry, ALEC announced on April 17, 2012 that its long-standing crime task force, which had been renamed the Public Safety and Elections Task Force, would be disbanded.

What is perhaps most surprising is that ALEC has had such a profound impact on public policy but remained largely under the radar. Founded in 1973 by Wisconsin native Paul Weyrich, ALEC boasts that 1,000 of its “model” bills are introduced in state legislatures each year and around 20 percent make it into law. Legislators introducing these provisions from these bills rarely disclose they came from ALEC, much less that the legislation has been pre-approved by corporations and special interest groups voting as equals with elected officials behind closed doors at ALEC task force meetings.

Thanks to CMD’s ALEC Exposed project, we can now track some of the ways ALEC corporations have had influence over Wisconsin lawmakers and Wisconsin law in recent years.

II. ALEC in Wisconsin

“Many of us, myself included, were part of ALEC.” – Scott Walker, 2002

“Myself, I always loved going to [ALEC] meetings because I always found new ideas. Then I'd take them back to Wisconsin, disguise them a little bit, and declare that ‘It's mine.’” – Tommy Thompson, 2002.

In the 2010 elections, Republicans emerged with seven more governor's mansions – including one in Wisconsin. They also won control of 26 state legislatures, up from 14. In many of these “trifecta” states, where a new Republican majority won control of both houses and the governorship, an odd thing happened. A steady stream of strikingly similar legislation – such as bills to de-fund unions, to suppress votes from Democratic constituencies by imposing new voter ID requirements, to privatize schools and public assets, to enshrine corporate tax loopholes while crippling the government's ability to raise revenue, to round up immigrants and make it easier to “Shoot to Kill” – was introduced and passed in states across the country. An almost identical set of corporations and special interest groups benefited from these measures.

It is almost as if a pipeline in the basement of these state capitols ruptured simultaneously, and a flood of special interest legislation gushed out. The blowout preventer – political power-sharing – was disabled. At the height of the protests inspired by Governor Walker's plan to limit public sector collective bargaining rights, University of Wisconsin professor and self-described political moderate Bill Cronon published a blog post on March 15, 2011, questioning whether the source of this cookie-cutter legislation might be ALEC. To Cronon's astonishment, the mere speculation prompted the Wisconsin GOP to file an open records request for Cronon's emails in a fruitless attempt to prove that Cronon was involved in partisan political activities. (This occurred even before Cronon printed a compelling op-ed in the *New York Times* discussing “Wisconsin's Radical Break” from its long tradition of clean government and moderation.)

In July 2011, Cronon's theory was proved correct when CMD unveiled its ALEC Exposed website, an annotated library of more than 800 ALEC “model bills.” With this archive, CMD has identified at least 32 bills reflecting the ALEC agenda that have been introduced in the state since Walker took office and Wisconsin emerged as an ALEC trifecta state. Below, we detail some of the bills, legislators, and corporations behind ALEC's agenda in Wisconsin.

Early ALEC Supporters

Wisconsin's ties with ALEC are strong and go back for decades. One of ALEC's founders was right-wing political apparatchik Paul Weyrich, a Racine native who famously said: “I don't want everybody to vote. Elections are not won by a majority of people – they never have been from the beginning of our country and they are not now. As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down.” This spirit is reflected in ALEC's push for “voter ID,” which purports to address the statistically non-existent (but greatly hyped) issue of voter fraud and which has the very real effect of making it harder for students, people of color, and the elderly to cast ballots. University of Wisconsin professor Kenneth Mayer recently testified that over 220,000 people in Wisconsin lack the specific kinds of identification now required to vote under the new Wisconsin law.

Former Wisconsin Governor Tommy Thompson, who served as a state legislator from 1966-1987 and then as governor for a record 14 years, was an early ALEC member and supporter. “Myself, I always loved going to these meetings because I always found new ideas. Then I'd take them back to Wisconsin, disguise them a little bit, and declare that ‘It's mine,’” he told an ALEC conference in 2002. A young state legislator named Scott Walker worked with Thompson in a successful effort to pass ALEC's Truth in Sentencing bill in the 1990's, and pushed to privatize the state's prison systems. Those bills would benefit the Corrections Corporation of America (CCA), which housed overflow

Wisconsin inmates out-of-state for years. At the time the bill passed, CCA was a member of ALEC's Criminal Justice Task Force. Rep. Walker did not disclose to Wisconsin residents the ALEC origins of this legislation when he introduced the bill, although he later acknowledged and sought to downplay Truth in Sentencing's ALEC roots in a 2002 interview.

ALEC's Wisconsin Foot Soldiers Today

Not only does Governor Walker have a long history with ALEC, but so do most of his top lieutenants. The leaders in both houses are active ALEC members, as are both Joint Finance Committee chairs, and the chair of the Senate Health Committee. Two key administration officials have long been ALEC members.

Despite the state of Wisconsin having benefited enormously over the years from a nonpartisan Legislative Council, Legislative Reference Bureau, and Legislative Fiscal Bureau – resources that few state legislatures enjoy – Wisconsin members of ALEC have instead relied on out-of-state interests to draft legislation, with the state's current leadership advancing at least 32 measures that reflect ALEC templates.

SCOTT WALKER



ALEC Corporate Member Donations:	\$406,558
ALEC Top Donors:	MillerCoors, WellPoint, Wisconsin Public Service Corporation, Pfizer, AT&T, Honeywell, and Time Warner Cable
ALEC Bills:	Introduced "by request of the governor": Act 2/SB 1: Tort Reform Legislation; Act 22/SB 13: Telecommunications Modernization Act; Act 1/SB 2: Health Savings Account Act; Act 9/AB 5: Super Majority Act; SB 13: Drug and Medical Device Liability Act; AB 14: Interest Rate Judgment Act; Act 21/AB 8: Economic Impact Statement Act; Act 93/SB 22: Trespasser Responsibility Act

Before Milwaukee County Executive Scott Walker ran for governor, he was a state legislator from 1993-2002, and he was an active member of ALEC. "Many of us, myself included, were part of ALEC," he said in a 2002 interview. In addition to sponsoring ALEC's Truth in Sentencing Bill (1997 AB 351), Walker attempted to privatize Wisconsin's prison system (1997 AB 634, 1999 AB 176, and AB 519), and sponsored early versions of anti-union legislation including "Right to Work" legislation (1993 SB 459) and "Paycheck Protection" (1997 AB 624). All these measures reflect long-standing ALEC bills and priorities.

After entering the governor's office in 2011, Governor Walker called for the introduction of eight measures reflecting the ALEC agenda, listed as "by request of the Governor." The first bill Walker called for upon taking office was Senate Bill 1 (which became Act 2), an "omnibus" bill that draws on numerous ALEC model bills to change liability rules and make it harder for Wisconsin families to hold corporations accountable when their products injure or kill.

When asked by the *Milwaukee Journal Sentinel* if Governor Walker relied upon ALEC legislation when putting together this "tort reform" bill, Walker's press secretary Cullen Werwie replied "absolutely not." But as the bill was pending in the legislature, ALEC sent an email to Wisconsin members stating that ALEC "supports this legislation which includes numerous provisions that reflect ALEC's civil justice reform policy and model legislation." After Act 2 became law, ALEC issued a press release commending Walker and the legislature "for their immediate attention to reforming the state's legal system." Walker promoted the bill as needed to free the private sector to create jobs. Today, Walker

has the worst jobs record of any governor in the nation, with Wisconsin ranking 50 out of 50 states in job creation.

On February 11, 2011, Walker sent shock waves through the state by introducing his “Budget Repair Bill,” which effectively eliminates collective bargaining for state workers. The bill sparked sustained protests and an 18-day occupation of the Capitol. Act 10 is a large bill, based largely on two existing Wisconsin statutes, the Municipal Employment Relations Act (MERA) and the State Employment Labor Relations Act (SELRA), but it comports with ALEC model bills objecting to collective bargaining, such as ALEC’s Public Employee Freedom Act. It also contains provisions banning governments from collecting union dues, as does ALEC’s Public Employer Payroll Deduction Policy Act.

In testimony before Congress in April 2011, Governor Walker told Rep. Gerry Connolly (D-VA) that he had no intention of going after the donor base of the Democratic Party. However, a video recently released by the *Milwaukee Journal Sentinel* casts doubt on these claims. The video catches Walker talking to a billionaire campaign contributor in January 2011, before he introduced the Budget Repair Bill. In the video, Diane Hendricks asked Walker how he was going to make Wisconsin a “red state,” and if he would be implementing “Right to Work” legislation. Walker replied that his “first step” would be “to divide and conquer” through his budget bill, and also discusses legislation to limit corporate liability for injuring Wisconsin residents.

These major initiatives by Governor Walker have tracked the ALEC agenda. CMD’s ALEC Exposed archive analyzes dozens of ALEC bills geared toward defunding and dismantling unions. The archive also includes dozens more bills on how to limit the ability of trial lawyers to represent consumers injured or killed by faulty products and services. Both groups are traditional backers of Democratic candidates and platforms.

Other bills Governor Walker requested that incorporate parts of the ALEC agenda include: Act 1 (Health Savings Accounts), a tax break that shifts cost burdens to individual policy holders; Act 9 (Super Majority Act), which would allow a minority of legislators to block a majority vote to raise taxes (supported by Grover Norquist’s Americans for Tax Reform, a long-time ALEC member); SB 13 (the Drug Liability Act), which would bar almost all suits by Wisconsin residents if a drug or medical device kills or injures a member of their family; Act 93 (the Trespasser Responsibility Act), which limits a property owner’s liability for injuries to another; Act 22 (Telecommunications Modernization Act), which deregulates the telecommunications industry; AB 14 (Interest Rate Judgment Act), which would have reduced the interest rate on court-ordered payments for Wisconsin families injured or killed by corporations; and Act 21 (Economic Impact Statement Act), which places hurdles on promulgating regulations, including regulations to ensure cleaner water and air for Wisconsin families.

Two of Governor Walker’s top administration officials are ALEC alumni. Mike Huebsch, who as secretary of the Department of Administration (DOA) is effectively the second-in-command in Walker’s administration, was a legislator in the years immediately before his appointment. As a legislator, he served as the ALEC State Co-Chair with Sen. Fitzgerald. From 2008 to 2010, Huebsch received over \$5,000 in “scholarships” from ALEC member corporations, and oversaw the distribution of over \$78,000 in corporate-funded scholarships to state legislators. (See the scholarship chart on page 16.)

Governor Walker also named former state Rep. Phil Montgomery to be the chair of the Wisconsin Public Service Commission soon after being elected governor in 2010. Montgomery was active on the governing public sector board of ALEC for many years until he retired from the Wisconsin State Assembly in 2010 – at which point, ALEC issued a press release lamenting his departure. Montgomery was named ALEC’s “Legislator of the Year” for 2005. He was also a member of ALEC’s Telecommunication and Information Technology Task Force, and he co-chaired that Task Force’s Subcommittee on Competition.

Governor Walker has signed 19 ALEC-related bills and budget provisions into law. Many of these bills contain multiple provisions drawn from the ALEC playbook. In addition, Walker has received over \$406,000 in recent years in campaign contributions from ALEC member corporations. Top ALEC corporate members that have contributed to Walker include: MillerCoors (\$36,055), WellPoint (\$34,200), Wisconsin Public Service Corp. (\$28,364), Pfizer (\$26,845), and AT&T (\$22,875).

SCOTT FITZGERALD



ALEC Position:	ALEC State Co-Chair 2010-2011 and in prior years. Public Safety & Elections Task Force
ALEC Corporate Member Donations:	\$14,870
ALEC Top Donors:	Alliant Energy, AT&T, Abbott Laboratories, Eli Lilly and Company, General Motors, Humana, Walmart
ALEC Scholarships:	\$3,831.19 (2006); \$2,043.97 (2007); \$1,082.98 (2008)
ALEC Dues Paid with Public Money:	\$100 (1/1/2011)
ALEC Bills:	Five: Act 93 (Trespasser Responsibility Act); Act 22 (Telecommunications Modernization Act); Act 1 (Health Savings Account Act); Act 23 (Voter ID Law); SB 13 (Drug and Medical Device Liability Act); Act 2 (Tort Reform Legislation)

NOTABLE: In a December 2010 roundtable discussion, Sen. Scott Fitzgerald was asked by Jeff Mayers of *WisPolitics* about making Wisconsin a “Right to Work” state. Fitzgerald said: “I just attended an American Legislative Exchange Council meeting and I was surprised about how much momentum there was in and around that discussion, nothing like I have seen before.” ALEC has long promoted a model “Right to Work” bill. Subsequently, “Right to Work” bills were introduced in 21 states. The president of the International Association of Fire Fighters (IAFF), Harold A. Schaitberger, is one of many who cite this ALEC meeting in D.C. as the source of the anti-union legislative onslaught.

At the same December 3, 2010 ALEC States and Nation Policy Summit, Sen. Fitzgerald participated in a Public Safety and Elections Task Force meeting that included a presentation on redistricting from the former Chief Counsel to the Republican National Committee (RNC), Mark Braden. That task force also approved the creation of a “Redistricting Working Group.” Additionally, a January 20, 2011 email obtained through a CMD records request also shows that ALEC invited Sen. Fitzgerald to an “ALEC Conference Call on Redistricting.” The call was led by former RNC chief counsel Braden, Utah Rep. Paul Ray, and Richard Ledbeater, State Government Industry Manager for ESRI, a corporation that uses GIS technology to develop redistricting maps. “The working group will host a conference call on the potential legal issues of redistricting, as well as the software available to help make the process easier,” stated the ALEC email sent to Fitzgerald’s office. Fitzgerald’s office said in July that the Senator did not participate in the call. However, Fitzgerald forwarded the ALEC redistricting invitation to his staffer Tad Ottman – one of the two GOP staffers who helped developed Wisconsin’s electoral maps behind closed doors. Calls to Fitzgerald’s office confirming Ottman’s participation in the conference call were not returned.

JEFF FITZGERALD



ALEC Position:	Commerce, Insurance & Economic Development Task Force Member
ALEC Corporate Member Donations:	\$21,424
ALEC Top Donors:	Alliant Energy, AT&T, Charter Communications, Time Warner, Wisconsin Public Service Corp.
ALEC Scholarships:	\$1,500 (2006)
ALEC Bills:	Six: AB 14 (Interest Rate Judgment Act); Act 9 (Super Majority Act); Act 10 (Budget Repair Bill); Act 21 (Economic Impact Statement Act); Act 23 (Voter ID Law)

NOTABLE: Assembly Speaker Jeff Fitzgerald has been a member of ALEC since 2001. As of 2011, he is listed as a member of ALEC’s Commerce, Insurance, and Economic Development Task Force, the committee responsible for a raft of anti-labor and anti-consumer legislation including “Right to Work” bills, “Paycheck Protection” bills, bills that would put an end to living wage ordinances, prevailing wage laws, and even state minimum wages. Without his leadership, the bills discussed in this report could not have become law.

In a newly released video taken in March 2012, Speaker Fitzgerald says his caucus wanted to pass a “Right to Work” bill last year. Fitzgerald is asked by a reporter at the *Milwaukee Journal Sentinel* whether he was surprised when Walker described his plans to attack public workers’ collective bargaining. “No, it wasn’t a shock to me. . .” responds Fitzgerald. “My caucus wanted to go further. I had people in my caucus that was, you know, were wondering if we were going to do Right to Work in this state. So to tell you the truth, the collective bargaining, to me, I thought was more of a middle ground if you can believe that.”

SCOTT SUDER



ALEC Position:	ALEC State Co-Chair (2011-present): ALEC Public Safety & Elections Task Force
ALEC Corporate Member Donations:	\$3,950
ALEC Top Donors:	Wal-Mart, Excel Energy, Pfizer, AT&T, Miller Brewing Company, Wisconsin Cable Communications
ALEC Scholarships:	\$1,941.39 (2006), \$1,063.73 (2007), \$2,826.45 (2008), \$1,784.27 (2009/2010)
ALEC Bills:	One: Act 38 (Reinstating Truth in Sentencing)

NOTABLE: Rep. Scott Suder is a member of the ALEC Public Safety and Elections Task Force that was recently dissolved by the organization due to the Trayvon Martin controversy and other public attention. The task force’s bills include “Voter ID,” Castle Doctrine/”Stand Your Ground” and expanding “concealed carry.” As the Assembly Majority leader, Suder played a key role in the passage of these bills and others. However, Suder responded to CMD’s open records request for any ALEC-related emails by saying he had no emails responsive to the request. (Other legislative offices that complied with the state’s open records law released ALEC-related records showing that Suder receives ALEC-related emails. These emails are on file with CMD.)

Rep. Suder is also a current ALEC public sector co-chair of Wisconsin, along with Rep. Robin Vos. According to ALEC’s published bylaws, the two have a “duty” “to ensure introduction of model legislation.” Amy Boyer of Hamilton Consulting (who has lobbied for Koch Industries, Xcel Energy,

Wal-Mart, and other ALEC member corporations) is the ALEC Private Enterprise State Chairman. Under the bylaws, Suder and Vos are also tasked with “working with the Private Enterprise State Chairman to raise and oversee expenditures of legislative ‘scholarship’ funds.” In many states, this means the legislators call corporations and ask for money for scholarships, although the former co-chair, Sen. Fitzgerald, has claimed that is not done here. (See page 14 for more about ALEC scholarships.)

ALBERTA DARLING



ALEC Position:	Commerce, Insurance and Economic Development Task Force Member, Tax and Fiscal Policy Task Force Alternate
ALEC Corporate Member Donations:	\$8,920
ALEC Top Donors:	Wal-Mart, Miller Brewing Company, AT&T, Altria, NRA
ALEC Scholarships:	None on Record (information incomplete)
ALEC Bills:	Fourteen: Act 32 (Budget Bill: Study of Retirement Privatization); Act 32 (Budget Bill: Capital Gains Tax Elimination); Act 32 (Budget Bill: Lifting Cap on Virtual School Enrollment); Act 32 (Budget Bill: Provisions on Mandatory Unitary Combined Reporting); Act 32 (Budget Bill: Moist Tobacco Proposal); AB 14 (Interest Rate Judgment Act); Act 94 (Castle Doctrine Act); Act 1 (Health Savings Account Act); SJR 21 (Health Care Freedom Act); AB 110 (Special Needs Scholarship Act); AB 94 (The Milwaukee Parental Choice Program Expansion); SB 22/AB 51 (Charter School Reform Bill); Act 23 (Voter ID Law); Act 2 (Tort Reform Legislation)

NOTABLE: On May 31, 2011, ALEC members Sen. Alberta Darling, Sen. Sheila Harsdorf, and former Sen. Randy Hopper (along with Sen. Luther Olsen, who has not been identified as an ALEC task force or other member), introduced a motion to the Wisconsin budget bill to give a big tax break to a big tobacco company. As part of that effort, they voted to convert the tax on moist tobacco products from a price-based tax to a weight-base tax. Moist tobacco products, like Skoal, Copenhagen, and a new candy-flavored tobacco pouch called "Snus," would benefit from this tax break. The tax change would lower the price of the smokeless products that target kids with packaging and candy flavors.

Their proposal mirrors ALEC's Resolution on the Enhancement of Economic Neutrality, Commercial Efficiency, and Fairness in the Taxation of Moist Smokeless Tobacco (MST) Products. Both Reynolds Tobacco and Altria/Phillip Morris sit on ALEC's governing private sector board and have long been promoters and supporters of the organization. ALEC sent a letter to Governor Walker in support of the measure, but he used his line-item veto to strike the tax break from the budget bill.

ROBIN VOS



ALEC Position:	ALEC State Co-Chair 2011-present: Tax & Fiscal Policy Task Force Member
ALEC Corporate Member Donations:	\$4,485
ALEC Top Donors:	Abbott Laboratories, General Electric, Koch Industries Inc. PAC, Pfizer, Wal-Mart
ALEC Scholarships:	\$1,788.30 (2006), \$1,212.21 (2007), \$2,223.64 (2009/2010)
ALEC Bills:	Fifteen: Act 32 (Budget Bill: Study of Retirement Privatization); Act 32 (Budget Bill: Provisions on Auto Title Loans); Act 32 (Budget Bill: Capital Gains Tax Elimination); Act 32 (Budget Bill: Lifting Cap on Virtual School Enrollment); Act 32 (Budget Bill: Provisions on Mandatory Unitary Combined Reporting); Act 32 (Budget Bill: Certification and Licensure of Commercial Bail Recovery Agents); AB 112 (Family Education Tax Credit Program Act); Act 1 (Health Savings Account Act); SJR 21 (Health Care Freedom Act); AB 110 (Special Needs Scholarship Act); AB 94 (The Milwaukee Parental Choice Program Expansion); SB 22/AB 51 (Charter School Reform Bill); Act 23 (Voter ID Law); Act 22 (Telecommunications Modernization Act); Act 2 (Tort Reform Legislation)

NOTABLE: Rep. Robin Vos is the co-chair of the Wisconsin Joint Finance Committee, along with Sen. Darling. He is also an ALEC State Co-Chair along with Rep. Suder and Koch lobbyist Amy Boyer. In the middle of critical budget discussions in May 2011, Vos stopped all discussion of the budget to take up a non-budgetary matter: a Voter ID bill. Proponents said the bill was needed to prevent voter fraud, a statistically non-existent problem in the state of Wisconsin. Opponents said the bill's restrictions on qualifying IDs threatened to disenfranchise hundreds of thousands of American citizens in Wisconsin, including college students and other Democratic constituencies. ALEC passed a "model" voter ID bill in 2009. Looming Senate recalls scheduled for August of 2011 and the threatened recall of the governor in 2012 may have been the impetus for this emergency action. But with two ALEC members at the helm, Vos and Darling, the bill was rushed through on a 12-2 party-line vote and signed by the governor a short time later. The bill has subsequently been struck down as a violation of the Wisconsin Constitution's guarantee of the right to vote.

Rep. Vos and Sen. Joe Leibham also introduced SJR 21, the "Health Care Freedom Amendment," in March 2011. The resolution would change the Wisconsin Constitution to prohibit the implementation of the 2010 federal health reform bill, the Patient Protection and Affordable Health Care Act, by barring the mandatory purchase of health insurance and could also bar single-payer health care in the state. The resolution is modeled on an ALEC bill of the same name. According to ALEC, the Health Care Freedom Amendment has been introduced in 44 states.

LEAH VUKMIR



ALEC Position:	Public Sector Chair of the Health and Human Services Task Force Co-Chair
ALEC Corporate Member Donations:	\$5,950
ALEC Top Donors:	Wal-Mart, Pfizer, Humana, General Electric, NRA
ALEC Scholarships:	\$1,500 (2006), \$2422.99 (2007), \$2,490.29 (2008), \$2,064.60 (2009/2010)
ALEC Bills:	Ten: AB 14 (Interest Rate Judgment Act); Act 9 (Super Majority Act); Act 94 (Castle Doctrine Act); Act 35/SB 93 (Concealed Carry Act); Act 1 (Health Savings Account Act); AB 110 (Special Needs Scholarship Act); SB 22/AB 51 (Charter School Reform Bill); Act 23 (Voter ID Law); Act 22 (Telecommunications Modernization Act); Act 2 (Tort Reform Legislation)

NOTABLE: Sen. Leah Vukmir is the chair of the Wisconsin Senate's Health Committee, and she is also the current ALEC Health and Human Services Task Force Co-Chair, a role she held in 2011. She received the ALEC Award for "Legislator of the Year" in 2009. Her corporate co-chair is Guarantee Trust Life Insurance Company, which sells insurance in Wisconsin and stands to benefit from the ALEC agenda of this task force.

Sen. Vukmir and fellow ALEC member Rep. Michelle Litjens introduced AB 110, the Special Needs Scholarship Program Act, modeled on the ALEC bill of the same name. The bill, which did not pass, was subject to a hearing in which legislative supporters visibly ignored the concerns being raised about the bill. The Wisconsin Department of Public Education objected to the bill in the strongest terms: "It strips special education students of due process rights and rights to services. It allows for the segregation of students based on disability. It will devastate funding for public education in select districts. It will result in the largest expansion of private school regulation ever seen in Wisconsin and, at the end of the day, no one will have any data to show if it resulted in a better education."

On the Flip Side: Wisconsin Bills Become ALEC Models

In 2011, one state and a number of cities passed new laws granting a few days of paid sick leave to food service workers and other employees. Workers in these locations would no longer have to come to work with the flu or other infectious illnesses, endangering the health of their coworkers and customers. But Wisconsin is headed in the opposite direction on this important public health issue, passing a law at the state level (Wisconsin Act 16) that preempted Milwaukee's modest sick leave ordinance.

The Milwaukee ordinance had passed by referendum with over 70 percent of the popular vote in 2008, protecting a largely female work force earning poverty wages from being fired if they took a sick day for themselves or to care for an ill child. In May 2011, Governor Walker overrode the local ordinance, changing state law to pre-empt the Milwaukee policy and stop residents of other cities from passing similar protections. Now this Wisconsin preemption bill is set to become an ALEC model.

According to materials obtained by CMD, paid sick leave was a hot topic on ALEC's 2011 agenda for discussion by ALEC member corporations and their allied politicians. "Paid family medical leave" was the only topic on the agenda for the Labor and Business Regulation Subcommittee of the Commerce, Insurance and Economic Development Task Force, in New Orleans last August. Meeting attendees were given complete copies of Wisconsin's 2011 Senate Bill 23 (now Wisconsin Act 16) as a model for ALEC state legislators to override local efforts to require sick leave. They were also handed a

target list and a map of state and local paid sick leave policies prepared by the National Restaurant Association, an ALEC member. The Wisconsin Restaurant Association (the state chapter of the national association) lobbied for SB 23 to repeal the sick leave ordinance, as did the Metropolitan Milwaukee Association of Commerce (MMAC), and the local branch of the U.S. Chamber of Commerce, which is also an ALEC member.

At the time of the discussion, ALEC's Labor and Business Regulation Subcommittee was co-chaired by YUM! Brands, Inc., which owns Kentucky Fried Chicken, Pizza Hut, and Taco Bell. Fast food companies have fought paid sick leave proposals across the country.

YUM! was one of the corporations to drop out of ALEC in 2012 under pressure from a campaign by Color of Change along with CMD, Common Cause, People for the American Way, and others.

Wisconsin Act 10 Going National?

CMD recently discovered that aspects of Act 10, Governor Walker's controversial collective bargaining bill, are also set to become ALEC models.

According to documents posted by the watchdog group Common Cause, the Koch-funded Mackinac Center for Public Policy is pushing ALEC to adopt as a "model" bill a proposal that strongly resembles sections of Governor Walker's Act 10. Those provisions, requiring that public employee unions recertify with a majority of eligible employees (rather than just a majority of those voting), and to do so regularly, were considered some of the most onerous burdens on unions imposed by Act 10, and their source was the subject of significant speculation.

According to the agenda for ALEC's Commerce, Insurance, and Economic Development Task Force meeting on May 11, 2012, the Michigan-based Mackinac is urging the adoption of The Election Accountability for Municipal Employees Act as a model ALEC bill. Like Act 10, the bill being proposed by Mackinac's Director of Labor Policy, Paul Kersey, would require unions to re-certify regularly (with legislators filling-in-the-blank about the exact number of years), with an absolute majority of all eligible members, rather than a majority of those voting – a standard for retention almost no state elected official could meet.

A federal court in Wisconsin recently struck down as unconstitutional some of the Act 10 provisions the Mackinac Center has brought to ALEC. That court also rejected the Act 10 prohibition on voluntary union dues deductions, a provision that resembles other ALEC model legislation.

Below we provide a chart of Wisconsin ALEC members and their task force assignments drawn from documents made public from open records requests by CMD and Common Cause.

Chart 1: Wisconsin Legislators & ALEC Task Force/Leader Assignments

Name	ALEC Position/Task Force
Sen. Alberta Darling (R-8)	Commerce, Insurance & Economic Development Task Force Member; Tax & Fiscal Policy Task Force Alternate Member
Sen. Michael Ellis (R-19)	
Sen. Scott Fitzgerald (R-13)	Public Safety & Elections Task Force Member; former State Chairman
Sen. Glenn Grothman (R-20)	International Relations Task Force Member; Federal Relations Working Group Member; Education Task Force Member
Sen. Sheila Harsdorf (R-10)	
Sen. Neal Kedzie (R-11)	
Sen. Frank Lasee (R-1)	Commerce, Insurance & Economic Development Task Force Alternate Member
Sen. Mary Lazich (R-28)	Energy, Environment & Agriculture Task Force Member; Health & Human Services Task Force Alternate Member
Sen. Terry Moulton (R-23)	Tax & Fiscal Policy Task Force Member
Sen. Leah Vukmir (R-5)	Health & Human Services Task Force Co-chair
Sen. Van Wanggaard (R-21)	Communications & Technology Task Force Member; Tax & Fiscal Policy Task Force Alternate Member
Sen. Rich Zipperer (R-33)	Civil Justice Task Force Member
Rep. Tyler August (R-32)	International Relations Task Force Member; Federal Relations Working Group Member; Education Task Force Member
Rep. Joan Ballweg (R-41)	Public Safety & Elections Task Force Member; Commerce, Insurance & Economic Development Task Force Alternate Member
Rep. Kathy Bernier (R-68)	Public Safety & Elections Task Force Member
Rep. Mike Endsley (R-26)	Civil Justice Task Force Member
Rep. Paul Farrow (R-98)	Communications & Technology Task Force Member; Education Task Force Member
Rep. Jeff Fitzgerald (R-39)	Commerce, Insurance & Economic Development Task Force Member
Rep. Joe Knilans (R-44)	Communications & Technology Task Force Member; Tax & Fiscal Policy Task Force Alternate Member
Rep. Scott Krug (R-72)	Public Safety & Elections Task Force Alternate Member
Rep. Mike Kuglitsch (R-84)	Civil Justice Task Force Member; International Relations Task Force Member
Rep. Howard Marklein (R-51)	Education Task Force Member
Rep. Mark Honadel (R-21)	
Rep. Andre Jacque (R-2)	Civil Justice Task Force Member; International Relations Task Force Member
Rep. Chris Kapenga (R-33)	Civil Justice Task Force Alternate Member
Rep. John Klenke (R-88)	Commerce, Insurance & Economic Development Task Force Member; Tax & Fiscal Policy Task Force Alternate Member
Rep. Dan Knodl (R-24)	Public Safety & Elections Task Force Member; Health & Human Services Task Force Alternate Member
Rep. Dean Knudson (R-30)	Education Task Force Alternate Member
Rep. Bill Kramer (R-97)	Commerce, Insurance & Economic Development Task Force Member; Communications & Technology Task Force Alternate Member

Rep. Tom Larson (R-67)	Communications & Technology Task Force Member
Rep. Daniel LeMahieu (R-59)	Tax & Fiscal Policy Task Force Alternate Member
Rep. Michelle Litjens (R-56)	Energy, Environment & Agriculture Task Force Member; Health & Human Services Task Force Alternate Member
Rep. Amy Loudenbeck (R-45)	Commerce, Insurance & Economic Development Task Force Alternate Member
Rep. Stephen Nass (R-31)	Education Task Force Member; International Relations Task Force Member
Rep. John Nygren (R-89)	Education Task Force Member; Health & Human Services Task Force Member
Rep. Warren Petryk (R-93)	Health & Human Services Task Force Member
Rep. Keith Ripp (R-47)	
Rep. Roger Rivard (R-75)	Energy, Environment & Agriculture Task Force Member
Rep. Erik Severson (R-28)	Health & Human Services Task Force Member
Rep. Jim Steineke (R-5)	Energy, Environment & Agriculture Task Force Member
Rep. Jeffrey Stone (R-82)	
Rep. Pat Strachota (R-58)	Tax and Fiscal Policy Task Force Member
Rep. Scott Suder (R-69)	Public Safety & Elections Task Force Member (former co-chair); State Chairman
Rep. Jeremy Thiesfeldt (R-52)	Education Task Force Alternate Member
Rep. Travis Tranel (R-49)	Public Safety & Elections Task Force Alternate Member
Rep. Karl Van Roy (R-90)	Energy, Environment & Agriculture Task Force Member
Rep. Robin Vos (R-63)	Tax & Fiscal Policy Task Force Member; State Chairman
Rep. Chad Weininger (R-4)	Energy, Environment & Agriculture Task Force Alternate Member
Rep. Evan Wynn (R-43)	Education Task Force Alternate Member
Fmr Sen. Pam Galloway (Resigned, R-29)	International Relations Task Force Member
Fmr Sen. Randy Hopper (Recalled, R-18)	Commerce, Insurance & Economic Development Task Force Member; Communications & Technology Task Force Member; International Relations Task Force Alternate Member; Federal Relations Working Group Alternate Member; Tax & Fiscal Policy Alternate Member
Fmr Sen. Dan Kapanke (Recalled, R-32)	Energy, Environment & Agriculture Task Force Alternate Member
PSC Chairman Phil Montgomery (Fmr Rep., R-4)	Communications & Technology Task Force Member; former Treasurer of Public Sector governing Board
DOA Secretary Michael Huebsch (Fmr Rep., R-94)	Energy, Environment & Agriculture Task Force Member; International Relations Task Force Member; Federal Relations Working Group Member; former State Chairman
Governor Scott Walker (Fmr Rep., R-14)	(Task force records from relevant period unavailable.)

III. ALEC Meetings: Corporate-Funded Events and Scholarships

ALEC's annual meetings and task force summits are usually held in vacation spots like New Orleans and at swank resorts like the Westin Kierland Resort in Scottsdale, Arizona. Wisconsin legislators are paid \$49,943 a year for working in the legislature, so for many politicians these destinations and resort trips would be unaffordable, for themselves or their families. Luckily for ALEC legislators, ALEC's corporate members bankroll legislator flights and hotel rooms through ALEC "scholarships," and corporations also fund their wining and dining by underwriting ALEC meetings and receptions. Additionally, ALEC provides access to partially-subsidized child care, called "Kids Congress," and has created itineraries for legislative and lobbyist spouses, who are invited to attend corporate-sponsored receptions, meals, and other excursions.

The corporate-funded gifts of flights and hotel rooms are filtered through the ALEC "scholarship" program. According to ALEC's bylaws, funds for these so-called "scholarships" are raised from corporate and special interests by the ALEC Public Sector State Chair and Private Enterprise State Chair. Wisconsin's current Public Sector State Co-Chairs are Reps. Robin Vos and Scott Suder, and the Private Enterprise Chair is lobbyist Amy Boyer, whose clients have included ALEC members Koch Industries, Xcel Energy, and Wal-Mart. The previous legislative chairs for the state of Wisconsin were Sen. Scott Fitzgerald and then-Rep. Mike Huebsch.



Rep. Robin Vos



Lobbyist Amy Boyer



Rep. Scott Suder

In 2010, ALEC sent an email to the Wisconsin State Co-Chairs – at the time, Sen. Fitzgerald and Rep. Huebsch – and to the corporate co-chairs at the time – lobbyists Amy Boyer and Bryon Wornson of Pfizer. The email, obtained through an open records request by CMD, includes a "State Scholarship Activity Activity/Balance" sheet that lists about a dozen global corporations giving donations to the Wisconsin scholarship fund. The amounts paid by each would cover the airfare and/or hotel of one or more legislators to ALEC meetings.

Another open records request revealed the names of additional donors. Top contributors include AT&T, the drug manufacturer trade group PhRMA, T-Mobile, Kraft, and US Tobacco. Many of those contributions are made on the same day, suggesting the dollars are raised as part of fundraising events, an inference supported by other open records documents. All of the corporations and organizations contributing to the Wisconsin scholarship fund – which is used to subsidize legislators' flights and hotel rooms – employ lobbyists in the state and have an interest in the outcome of legislative activity in the Wisconsin Capitol.

Wisconsin has some of the strongest lobbying rules in the country and prohibits legislators from accepting anything of value from lobbyists, or from corporations that employ lobbyists in the state.¹ These so-called “scholarships” would appear to directly violate these rules.

What makes the “scholarships” even more troubling is that once legislators are at an ALEC meeting, they often rub shoulders with lobbyists for the same corporations that may have paid for their travel expenses, and legislators are provided model legislation that tends to benefit those same corporate interests. Recent ALEC meetings have included Wisconsin lobbyists for Altria (Garth Alston), Celgene (Greg Chesmore), Amgen (John Benske), Alliant Energy (Bob Bartlett), PhRMA and the Cigar Association of America (Tom Moore), as well as former Assembly Leader Scott Jensen (now lobbying for American Federation for Children) and ALEC State Chair Amy Boyer (Koch Industries, Wal-Mart, Xcel Energy, and others). Additionally, ALEC corporations underwrite other perks for legislators and their families, including receptions with free food and drinks, and entertainment like Major League Baseball games, cigar parties, and shooting events.

These gifts of flights, hotel rooms, and other perks look like violations of Wisconsin ethics laws. Such gifts could reasonably be expected to influence a legislator's judgment, or be viewed as a reward for their official actions in support of the ALEC agenda.²

For example, PhRMA gave at least \$5,500 in recent years to the scholarship fund to cover Wisconsin legislators' flights and hotel rooms – in addition to over \$356,000 sent to the office of the ALEC corporate co-chair in Wisconsin, money which was subsequently claimed to be for use in other states. PhRMA also sent lobbyists to multiple ALEC meetings, where they sat alongside Wisconsin legislators like Sen. Leah Vukmir as equals on the Health and Human Services Task Force. In 2011, a number of ALEC “model bills” that would benefit PhRMA and its members were introduced in the Wisconsin legislature, including the omnibus “tort reform” bill that became Act 2. That bill makes it easier for drug companies to escape responsibility for all the damages a jury might wish to assess for pharmaceutical products that kill or injure Wisconsin residents. Act 2 was co-sponsored by twenty-four ALEC legislators.

Despite all this, the Government Accountability Board (GAB) has previously sanctioned these corporate-funded trips, apparently under the erroneous belief that although ALEC may receive corporate funding from companies that employ lobbyists, ALEC itself provides the scholarships. This is not the case. Indeed, ALEC declared in its 2010 IRS filing that the scholarship funds “are not considered revenue and expenses of ALEC” and that the organization gives no scholarships. However, ALEC told the GAB a different story.

In March, CMD filed a complaint with the GAB arguing that the scholarships violated state ethics and lobbying laws. In that complaint, CMD wrote:

“It makes little sense to prohibit corporate principals and lobbyists from offering anything of value to public officials, but to allow such giving if it is filtered through a segregated ALEC ‘scholarship fund.’ By analogy, corporations or individuals would not be able to avoid Wisconsin ethics and lobbying laws

¹ Wis. Stat. § 13.625 prohibits any lobbyist or organization employing a lobbyist in the state (“lobbying principals”) from giving legislators or legislative staff any lodging, transportation, food, beverages, or any other thing of pecuniary value, as well as prohibiting any elective state official from accepting the same (13.625(1)(b), (2), (3)).

² Under Wis. Stat. § 19.45 (3m), “No state public official may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor.” Wis. Stat. § 19.45 (3) also prohibits any person from giving a public official “anything of value if it could reasonably be expected to influence the state public official’s vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the state public official.”

by depositing funds into a bank account, then asking a designated state legislator to distribute the funds to other legislators that share the agenda of the corporations or individuals that made the deposits.”

The intent behind Wisconsin’s strong ethics and lobbying laws is clear: Wisconsin citizens do not want elected officials to be unduly influenced by special interests that have a stake in the outcome of legislation. In CMD’s view, these gifts appear to contravene both the letter and the intent of Wisconsin ethics and lobbying laws.

The chart below provides a snapshot of corporate cash filtered through the ALEC scholarship fund to benefit ALEC legislators by covering their travel. A document obtained by CMD through an open records request to former ALEC state chair Sen. Fitzgerald shows about a dozen corporations giving money to the Wisconsin “scholarship fund” between December 2009 and October 2010. The email also documents about a dozen Wisconsin legislators receiving payments from the fund for trips to ALEC resort meetings. A similar document listing corporate gifts and Wisconsin recipients of these funds in earlier years was obtained through a different open records request. A summary of information from these documents can be viewed in the chart below. Information has not yet been uncovered about scholarship contributions and disbursements between January 2009 and November 2009, and from November 2010 to present.

Chart 2: The Wisconsin ALEC “Scholarship” Fund 2008

DONOR	RECIPIENT	DATE	INCOME	PAYMENTS
AT&T		1/16/2008	\$3,000.00	
PhRMA		1/16/2008	3,000.00	
Kraft Food Global		1/16/2008	2,500.00	
Alliance for School Choice		1/16/2008	1,000.00	
	Rep. Scott Suder	1/25/2008		\$1,652.31
	Rep. Frank Lasee	1/25/2008		642.00
	Rep. Phil Montgomery	1/1/2008		1,582.08
	Taxpayers Network	2/5/2008		5,435.23
Eli Lilly		4/15/2008	1,000.00	
Verizon		6/25/2008	1,000.00	
Xcel Energy		7/18/2008	2,500.00	
T-Mobile		7/18/2008	2,500.00	
Sprint Nextel		7/18/2008	1,000.00	
AT&T		7/18/2008	2,500.00	
Anheuser-Busch Cos., Inc.		7/18/2008	2,500.00	
Wisconsin Cable Communications		7/18/2008	2,500.00	
Miller Brewing Company		7/18/2008	1,000.00	
Wisconsin Public Service Corp.		7/18/2008	2,500.00	
Wisconsin State Telecom. Association		7/18/2008	1,500.00	
Taxpayers Network		7/18/2008	3,000.00	
UST		7/18/2008	2,500.00	
	Sen. Scott Fitzgerald	8/5/2008		1,082.98
UST		8/25/2008	1,500.00	
	Rep. Steve Nass	8/13/2008		1,253.99

	Rep. Scott Newcomer	8/13/2008		813.12
	Hamilton Consulting	9/8/2008		521.18
	Sen. Ted Kanavas	9/4/2008		1,079.03
	Rep. Frank Lasee	8/15/2008		1,500.00
	Rep. Kitty Rhoades	8/13/2008		1,500.00
	Rep. Mike Huebsch	8/13/2008		1,500.00
	Rep. Leah Vukmir	8/13/2008		1,290.29
	Rep. Pat Strachota	8/16/2008		695.88
	Rep. Jeff Stone	8/13/2008		1,037.24
	Taxpayers Network	8/6/2008		7,757.67
SC Johnson & Sons, Inc.		9/3/2008	\$1,000.00	
Administaff Services		10/6/2008	2,500.00	
Wyeth		10/6/2008	2,500.00	
Pfizer Inc.		10/6/2008	2,500.00	
Altria		11/17/2008	2,500.00	
	Rep. John Nygren	12/22/2008		\$1,200.00
	Rep. Leah Vukmir	12/22/2008		1,200.00
	Rep. Scott Suder	12/22/2008		1,174.14
	Rep. Jeff Stone	12/22/2008		1,200.00
	Rep. Rich Zipperer	12/22/2008		1,026.14
	Rep. Frank Lasee	12/22/2008		1,200.28
	Taxpayers Network	12/10/2008		2,650.01
	Rep. Keith Ripp	12/22/2008		200.00
Total income and payments for the calendar year 2008:			\$48,000.00	\$39,193.57

Source: Open records request by DBA Press/CMD.

Chart 2 Continued: Wisconsin ALEC "Scholarship" Fund 2009 - 2010

DONOR	RECIPIENT	DATE	INCOME	PAYMENTS
Opening Balance: \$34,392.67				
	Sen. Randy Hopper	12/8/2009		\$1,270.82
	Mary Rhoades	12/21/2009		850.94
	Rep. Steve Nass	12/21/2009		993.45
	Rep. Phil Montgomery	12/22/2009		524.42
	Rep. Leah Vukmir	12/15/2009		1,000.00
	Taxpayers Network	12/22/2009		2,703.66
	Rep. Mike Huebsch	12/22/2009		1,250.00
	Sen. Ted Kanavas	12/17/2009		1,453.24
Diageo North America Inc.		1/5/2010	\$2,500.00	
Reynolds America		1/5/2010	2,200.00	
Alliant Energy Corp Services Inc.		2/1/2010	2,500.00	
	Rep. Brett Davis	2/3/2010		1,250.00
Allergan		4/26/2010	2,500.00	
Kraft Foods Global, Inc.		5/26/2010	2,500.00	
	Sen. Ted Kanavas	8/10/2010		2,157.85
	Rep. Mike Huebsch	8/23/2010		2,461.42
	Rep. Robin Vos	8/23/2010		2,223.64
	Amy Boyer	8/26/2010		3,257.51
	Rep. Scott Suder	8/31/2010		1,784.27
PhRMA		9/13/2010	2,500.00	
Wisconsin State Scholarship		9/2/2010	1,500.00	
Xcel Energy		9/2/2010	2,500.00	
AT&T		9/2/2010	2,500.00	
Wisconsin State Telecommunications Association		9/2/2010	1,500.00	
3M		9/7/2010	2,500.00	
MKT Engineering, LLC		9/17/2010	2,500.00	
T-Mobile USA, Inc.		9/23/2010	1,250.00	
	Rep. Phil Montgomery	9/1/2010		985.52
	Rep. Leah Vukmir	10/20/2010		1,064.60
T-Mobile USA, Inc.		10/29/2010	1,250.00	
	T-Mobile USA, Inc. - Bounced	10/29/2010		1,250.00
Total income and payments for 2010:			\$30,200.00	\$26,481.34

Source: CMD open records request to Senator Fitzgerald

Receipts and payment between 12/31/2008 and 12/07/2009 are unknown.

IV. Examples of ALEC Provisions in Wisconsin 2011-2012 Session

Through ALEC “task forces,” corporate lobbyists and special interest groups vote as equals with state legislators to approve model bills that change existing law. ALEC boasts in internal documents that its “private sector” members have a “voice and a vote” on model bills, and offers them “unparalleled” access to legislators. ALEC model bills – often proposed and always voted on by out-of-state corporations and highly ideological special interests – are then introduced in state legislatures by ALEC politicians, usually without any indication the bills were pre-voted on by corporations or based on an ALEC template.

CMD has analyzed the bills introduced in Wisconsin from January 2011 to date, and estimates that 32 bills from the 2011-2012 session contain key provisions that are identical or similar to ALEC template legislation in a variety of areas. A list of these bills is included as Appendix 3 to this report.

The following bills illustrate how legislation proposed in Wisconsin by ALEC legislators over the past 16 months resembles key provisions of ALEC model bills. Many of the other provisions in these bills also track ALEC model legislation. More thorough side-by-side comparisons of the bills are available from CMD upon request.

Wisconsin AB 69 Castle Doctrine Act and the ALEC Castle Doctrine Act

AB 69 is Wisconsin’s version of the ALEC Castle Doctrine Act, which itself is based off of the controversial Florida “Stand Your Ground” law that was cited initially to prevent the arrest of George Zimmerman for shooting and killing high school student Trayvon Martin. Wisconsin residents already had a long-standing right to of self-defense to protect their family in their home (the real “castle” doctrine), but this bill expands it from a defense in a prosecution to a *presumption* of immunity – which makes it much more difficult for a case to go to trial and for a jury to convict a shooter or compensate a shooting victim’s family. The new law signed by Governor Walker last year has been cited to avoid further investigation in the shooting death of 20-year-old Bo Morrison in Slinger, Wisconsin. **Last Action:** Passed.

Wisconsin AB 69	ALEC Castle Doctrine Act
<p>. . . the court shall presume that the actor reasonably believed that the force was necessary to prevent imminent death or great bodily harm to himself or herself if . . .</p> <p>(5) In any civil action, if a court finds that a person is immune from civil liability under sub. (2), the court shall award the person reasonable attorney fees, costs, compensation for loss of income, and other costs of the litigation reasonably incurred by the person.</p>	<p>A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if . . .</p> <p>Section 2 (4). The court shall award reasonable attorney’s fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (2).</p>

2011 Senate Joint Resolution 21 and ALEC’s Freedom of Choice in Health Care Act

This ALEC bill is designed to thwart the recent federal health insurance reforms that expand health care coverage in the United States. Introduced in 44 states, the bill blocks the “individual mandate” of President Obama’s health reform compromise bill and sets the stage for a constitutional challenge to the law. Its far-reaching provisions also may be used to try to bar Wisconsin from ever enacting a single-payer health care system. **Last Action:** Passed.

Wisconsin Senate Joint Resolution 21	ALEC Freedom of Choice in Health Care Act
[Article I] Section 27. The people have the right to enter into private contracts with health care providers for health care services and to purchase private health care coverage. The legislature may not require any person to obtain or maintain health insurance coverage or to participate in any health care system or plan.	Section 2. The people have the right to enter into private contracts with health care providers for health care services and to purchase private health care coverage. The legislature may not require any person to participate in any health care system or plan, nor may it impose a penalty or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan.

2011 Wisconsin Act 2 and the ALEC Joint and Several Liability Act, Punitive Damages Standards Act, and Product Liability Act (among others)

Wisconsin Act 2, one of the first bills Governor Walker signed into law, combines several ALEC “tort reform” bills, which make it harder for Wisconsin families to hold corporations accountable for products that injure or kill their parent, spouse, or child. A few of these bills are excerpted below. Act 2 adopts parts of the ALEC “Punitive Damages Standards Act,” which limits the ability of juries to hold corporations fully accountable for reckless acts that injure or kill Wisconsin residents, and the ALEC “Product Liability Act,” which allows corporations to escape liability for insufficient warnings about hazards, among other things.

After the bill was introduced in January 2011 at Governor Walker's request, ALEC sent an email to Wisconsin legislative members stating that ALEC “supports this legislation which includes numerous provisions that reflect ALEC's civil justice reform policy and model legislation.” After it became law, ALEC issued a press release commending Walker and the legislature “for their immediate attention to reforming the state’s legal system.” **Last Action:** Passed.

Wisconsin Act 2	ALEC bills
SECTION 23m. 895.043 (6) LIMITATION ON DAMAGES. Punitive damages received by the plaintiff may not exceed twice the amount of any compensatory damages recovered by the plaintiff or \$200,000, whichever is greater.	Punitive Damages Standards Act Section 7. {Ceiling for Punitive Damages Award.} No award of punitive damages shall exceed two times the amount of the plaintiff's compensatory damages award or \$250,000, whichever is greater.

<p>SECTION 31.</p> <p>895.047 Product liability. (1) LIABILITY OF MANUFACTURER.</p> <p>In an action for damages caused by a manufactured product based on a claim of strict liability, a manufacturer is liable to a claimant if the claimant establishes all of the following by a preponderance of the evidence:</p> <p>(a) That the product is defective because it contains a manufacturing defect,</p> <p>is defective in design,</p> <p>or is defective because of inadequate instructions or warnings.</p>	<p>Product Liability Act</p> <p>In any product liability action, a manufacturer shall be liable to a claimant if and only if the claimant establishes by a preponderance of the evidence that:</p> <p>(A) the product was unreasonably dangerous:</p> <p>(1) in construction;</p> <p>(3) in design;</p> <p>(4) because the manufacturer failed to provide adequate warnings or instructions</p>
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2011 Senate Joint Resolution 23 and ALEC Constitutional Amendment Restricting the Use of Vehicle Fees and Taxes for Highway Purposes

This constitutional amendment restricts funding generated from gas taxes and vehicle registration fees for use only on roads, and not for any other needs. This would not only prevent these funds from being used for other important state priorities, but also would effectively favor transportation via highways over other modes of transit that could be advanced with these funds. The bill is based on an ALEC bill of the same name, the Constitutional Amendment Restricting the Use of Vehicle Fees and Taxes for Highway Purposes. **Last Action:** Passed.

<p>Senate Joint Resolution 23</p>	<p>ALEC Constitutional Amendment Restricting the Use of Vehicle Fees and Taxes for Highway Purposes</p>
<p>[Article VIII] Section 11. All funds collected by the state from any taxes or fees levied or imposed for the licensing of motor vehicle operators, for the titling, licensing, or registration of motor vehicles, for motor vehicle fuel, or for the use of roadways, highways, or bridges, and from taxes and fees levied or imposed for aircraft, airline property, or aviation fuel or for railroads or railroad property shall be deposited only into the transportation fund . . .</p>	<p>All fees collected by the State of _____ as license fees for motor vehicles and all excise taxes collected by the State of _____ on the sale, distribution or use of motor vehicle fuel, and any another motor vehicle related tax or fee shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes.</p>

2011 Assembly Bill 13 and the ALEC Drug Liability Act

This bill would give drug and medical device manufacturers almost complete immunity from lawsuits based on strict liability if the product at issue were approved by the Food and Drug Administration (FDA) and complied with FDA regulations, despite the fact that numerous FDA-approved drugs and devices are recalled each year after causing injury or death to Americans. The FDA approval process demonstrably and routinely fails to weed out dangerous products. The bill would prevent Wisconsin families from holding corporations accountable for prescription and over-the-counter drugs that kill or

seriously injure themselves or a parent, spouse, or child. The Wisconsin version of this bill goes further than ALEC’s “Drug Liability Act” by extending its bars against suits to injuries or death caused by medical devices. **Last Action:** Did not pass.

Wisconsin LRB 2890 (Assembly Bill 13)	ALEC Drug Liability Act
<p>Except as provided in sub. (4), a manufacturer or a seller of a drug or device is immune from civil liability for any claim based on strict liability for a defect in the design of a drug or device if the drug or device</p> <p>was approved for safety and efficacy by the federal food and drug administration at the time the drug or device left the control of the manufacturer or seller.</p> <p>(3). . . and the labeling was in compliance with the federal food and drug administration’s applicable standards for labeling at the time the drug or device left the control of the manufacturer or seller.</p>	<p>The manufacturer or seller of a drug is not liable for punitive damages if the drug alleged to cause harm either:</p> <p>(A) Was manufactured and labeled in relevant and material respects in accordance with the terms of an approval or license issued by the Federal Food and Drug Administration.</p> <p>(B) Is generally recognized as safe and effective pursuant to conditions established by the federal Food and Drug Administration and applicable regulations, including packaging and labeling regulations.</p>

2011 Wisconsin Act 10 and ALEC’s Public Employer Payroll Deduction Act

Governor Walker’s controversial Act 10 imposed sweeping limits on collective bargaining and union rights for public employees in Wisconsin. There is no single ALEC bill that mirrors Walker’s proposal, but it comports with ALEC bills such as the “Public Employee Freedom Act,” which declares that “an employee should be able to contract on their own terms” and asserts that “mandatory collective bargaining laws violate this freedom.” The ALEC Public Employer Payroll Deduction Policy Act prohibits automatic payroll deductions for union dues, a key aspect of the Walker bill. As CMD has reported, other provisions of Walker’s bill are slated to be adopted as official ALEC model legislation. **Last Action:** Passed.

Wisconsin Act 10 (Section 227)	ALEC Public Employer Payroll Deduction Act
<p>A municipal employer may not deduct labor organization dues from the earnings of a general municipal employee or supervisor.</p>	<p>No dues, fees, assessments or any other automatic payroll deductions by public employers from public employee payroll compensation shall be allowed for transmission to any public employee organization . . .</p>

2011 Wisconsin Act 9 and ALEC Super-Majority Act

Governor Walker called for the introduction of AB 5, which creates a very high burden to pass laws that would raise revenue. Right-wing activist Grover Norquist, who famously said he wanted to shrink government “down to the size where we can drown it in the bathtub,” wrote to Wisconsin legislators when Act 9 was pending to say “I enthusiastically urge you to support Walker’s proposed legislation imposing a supermajority requirement for certain tax increases . . . until you take the threat of higher taxes completely off the table, lasting spending restraint is unattainable.” Norquist’s Americans for Tax Reform is an ALEC member.

Through this bill, the Wisconsin legislature’s current narrow majority aims to bar a future majority from meeting the needs of Wisconsin residents, by allowing a future minority of legislators to thwart majority will on certain tax increases. Act 9 is drafted as a statute and is not legally enforceable if the legislature chooses not to follow it. AB 5 mirrors the ALEC Super-Majority Act, which is drafted as a constitutional amendment. If enacted, such a constitutional amendment would be catastrophic for Wisconsin and lead to a California-style “Proposition 13” revenue crisis. **Last Action:** Passed.

Wisconsin Act 9/AB 5 – Super Majority Act	ALEC Super-Majority Act
(2), no house of the legislature may pass a bill that increases the rate of the state sales tax or that increases any of the rates of the income tax or franchise tax unless the bill is approved by two-thirds of those members present and voting.	(1) No tax or license fee may be imposed or levied except pursuant to an act of the legislature adopted with the concurrence of two-thirds of all members of each House.
2) Subsection (1) shall not apply if the legislature passes a joint resolution requiring a statewide advisory referendum on the question of whether the legislature should authorize the tax increase provided in the bill and a majority of voters voting at the referendum vote to approve the tax increase.	(2) This amendment shall not apply to any tax or license fee authorized by an act of the legislature that has not taken full effect upon the effective date of this bill.

Wisconsin Act 23 Voter ID Act and ALEC’s Voter ID Act

Wisconsin was one of 33 states to introduce Voter ID measures in 2011, many of which appear to be modeled after the ALEC template. The bill makes it harder for Wisconsin residents to register and to vote by restricting the kind of identification and proof of residency necessary, which threatens to disenfranchise more than 220,000 voters in Wisconsin. The effect of AB 7 would be to prevent significant numbers of traditional Democratic constituencies—such as people of color and college students of any race--“from turning out and everybody knows it,” according to Jay Heck of Common Cause in Wisconsin. **Last Action:** Passed (but enjoined by two courts).

Wisconsin Act 23 Voter ID Act	ALEC Voter ID Act
6.15 (2) (bm) Except as authorized in s. 6.79 (7), when making application in person at the office of the municipal clerk, each applicant shall present a valid operator’s license issued to the person under ch. 343, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the person under s. 343.50. If any document presented by the applicant is not proof of residence under s. 6.34, the applicant shall also present proof of residence under s. 6.34.	SECTION 2. IDENTIFICATION REQUIREMENT TO VOTE. (b) Any person desiring to vote in this state shall present proof of identity to the election official when appearing to vote in person either early or at the polls on Election Day.
A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The person may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board. If	(d) A provisional ballot cast by a voter who did not provide proof of identity shall be counted if: (1)(A) The voter returns to the county board of election commissioners by 12:00 p.m. on the Monday following the election and provides proof of identity.

<p>the person does not provide the required identification to the clerk or board by 4 p.m. on the day following the election, the person's vote is not counted.</p>	
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2011 Wisconsin Act 1 & ALEC's Health Savings Account Act

Wisconsin Act 1 allows residents to take a state tax deduction for any contribution into a health savings account. According to the Legislative Fiscal Bureau, the bill will cost Wisconsin \$48 million in tax revenue over the next two years. The bill tracks ALEC's Health Savings Account Act, which would "exempt [HSA] contributions from taxation" and "prescribe the requirements of and restrictions on health savings accounts." The bill would shift cost burdens to individual policy holders. **Last Action:** Passed.

<p>Wisconsin Act 1/SB 2</p>	<p>ALEC Health Savings Account Act</p>
<p>AN ACT <i>to create</i> 71.83 (1) (ce) and subchapter XVI of chapter 71 [precedes 71.98] of the statutes; relating to: adopting federal law as it relates to health savings accounts for state income and franchise tax purposes and providing a penalty.</p>	<p>Summary: "A bill to permit the establishment and maintenance of health savings accounts; to provide penalties and remedies; to exempt contributions from taxation; and to prescribe the requirements of and restrictions on health savings accounts."</p>

Wisconsin AB 110 Special Needs Scholarship Act and the ALEC Special Needs Scholarship Program Act

AB 110 would have diverted taxpayer dollars from public schools to subsidize private, for-profit instruction for children with disabilities and forfeit the protections provided by the Individuals with Disabilities Education Act (IDEA), including the right to a "free, appropriate education." The Wisconsin Department of Public Education objected to the bill in the strongest terms: "It strips special education students of due process rights and rights to services. It allows for the segregation of students based on disability. It will devastate funding for public education in select districts. It will result in the largest expansion of private school regulation ever seen in Wisconsin and, at the end of the day, no one will have any data to show if it resulted in a better education."

Lobbying hard on the bill was the American Federation for Children (AFC), the school privatization group organized and funded by the billionaire DeVos family and whose chief lobbyist is former Wisconsin Assembly Speaker Scott Jensen. AFC is also an ALEC member, and Jensen represents the organization on the ALEC Education Task Force. Open records requests show that on May 17, 2011, AFC lobbyist Brian Pleva emailed staffers for Assembly Speaker Jeff Fitzgerald, Representative Robin Vos, and Senator Alberta Darling with a copy of the ALEC "model" Special Needs Scholarship Program Act. As the excerpt below demonstrates, that model was introduced in the legislature.

Wisconsin: AB 110	ALEC Special Needs Scholarship Program Act
(a) Annually, each school board shall notify the parents of each child with a disability enrolled in the school district of the program under this section.	(A) A resident school district shall annually notify the parents of a student with special needs of the Special Needs Scholarship Program and offer that student's parent an opportunity to enroll the student in a participating school of their choice.
<p>(4) Private school duties.</p> <p>Each private school participating in the program under this section shall do all of the following:</p> <p>a) Comply with all health and safety laws or codes that apply to private schools.</p> <p>(b) Hold a valid occupancy permit, if required by the municipality in which the school is located.</p> <p>c) Annually certify to the department that it complies with 42 USC 2000d.</p>	<p>Section 6. {Accountability Standards for Participating Schools}</p> <p>(A) Administrative Accountability Standards. To ensure that students are treated fairly and kept safe, all participating, private schools shall:</p> <p>(1) Comply with all health and safety laws or codes that apply to private schools;</p> <p>(2) Hold a valid occupancy permit if required by their municipality;</p> <p>(3) Certify that they comply with the nondiscrimination policies set forth in 42 USC 1981 . . .</p>

V. ALEC Allies in Wisconsin

Below we list other ALEC members, funders or allies in Wisconsin that help implement the ALEC agenda.

Americans for Prosperity-Wisconsin is the state arm of the national AFP, a non-profit group founded and funded by billionaire ideologue David Koch, who actively serves as chairman of AFP's board. AFP is a private sector member of ALEC, as is Koch Industries, which has had a seat on ALEC's governing private sector board for almost two decades and also chaired ALEC's corporate board for a number of years.

AFP has been very active in Wisconsin, teaming up with the Madison-based Maclver Institute to spend millions on the "It's Working!" campaign – a series of TV ads and town hall meetings asserting that Governor Walker's severe cuts to education and his dramatic repeal of the rights of public workers are "working," in advance of Walker's June 2012 recall election. AFP and Maclver have reportedly spent at least \$2.9 million in the past few months on TV ads supporting Walker's agenda as well as untold sums on town hall meetings, rallies, direct mail, Internet outreach, and other work. State AFP chapters around the country are also organizing "Freedom Phone" phone banks to have individuals make calls into the state "supporting the Wisconsin reforms." Additionally, the AFP chapter in Illinois is busing out-of-state people into Wisconsin to canvass neighborhoods just a few days before the election.

Luke Hilgemann is the director of AFP-Wisconsin, and until January 2012, he was the Chief of Staff for Rep. Suder, the ALEC co-chair for Wisconsin. In his AFP biography, Hilgemann notes that during his time in the Assembly, under the Walker administration, he "helped craft and implement one of the most conservative legislative agendas in state history which included collective bargaining reforms, Conceal and Carry, Voter ID, and Castle Doctrine" – all of which track key provisions of ALEC model legislation.

According to documents obtained by Common Cause, AFP was on ALEC's Tax and Fiscal Policy Task Force in 2011, and its Energy, Environment and Agriculture Task Force in 2010, but currently-available task force information does not include member rosters.

When ALEC came under additional public scrutiny this spring, Wisconsin legislators received identical emails supporting ALEC from people claiming to be constituents, and the text of the emails was identical to the language in an online petition pushed by AFP across the country.

In addition to funding from Koch, AFP has received some financial support from the Lynde and Harry Bradley Foundation, which has also given money to ALEC.

The **Taxpayers Network Incorporated** (TNI) is a Green Bay-based 501(c)(3) nonprofit association that claims that "embracing high taxes will stunt a state's income growth and cause thousands to flee to low tax havens."

TNI produces an annual report that compares taxation rates and other factors in all 50 states. TNI has also worked with the Heartland Institute (also an ALEC member), and has long made claims that Wisconsin public employees were overpaid.

Additionally, TNI also acts like an insurance agent for a health insurer that has been accused of exploiting regulatory loopholes to profit by jacking up premiums on their sickest policyholders. Some health insurers sell to individuals by issuing a group policy to an "association" – like TNI –

and then selling coverage to the association's "members," many of whom join the association for a nominal fee in order to get inexpensive health insurance. In the early 2000s, reports emerged of individuals joining TNI so they could buy group insurance with the United Wisconsin Life Insurance Company (UWLIC), only to see their rates skyrocket when they got sick – like a Florida woman who saw her premiums go from \$417 to \$1,881 a month after she developed breast cancer.

Both TNI and UWLIC (and its parent company, American Medical Security Group) are located in Green Bay, but loopholes in many state laws allow insurance to be regulated based on the state where the "association" is incorporated, rather than the state where an individual resides. TNI was incorporated in Ohio, which had minimal insurance regulation – meaning that state laws against unfair insurance practices in a policyholder's state generally would not apply to UWLIC insurance sold through TNI. In the early 2000s, both TNI and UWLIC were named as defendants in class action and other lawsuits in states like Florida, Mississippi, Alabama, Louisiana, and Arizona for unfair practices and violating state laws against the practice of "tiering" people into higher-premium categories after they file claims.

In 2002, the Florida Insurance Commissioner suspended UWLIC's license in the state (although it was overturned on appeal), and a Florida judge determined that the TNI-UWLIC scheme violated state law. UWLIC settled a number of similar lawsuits in the early-to-mid 2000s. Subsequently, ALEC adopted the Health Care Choice Act For States as a "model" bill in 2007. That bill would potentially thwart lawsuits like those faced by TNI and UWLIC by providing that state law does not apply to out-of-state companies selling insurance in the state. In 2011, Sen. Leah Vukmir circulated LRB 0373, a version of the Health Care Choice Act for States in 2011, but the proposal inspired strong opposition from health advocates and was never introduced.

TNI's Vice-President Cate Zueske was Wisconsin's Revenue Secretary under Governor Tommy Thompson and is a former Republican state legislator. She is married to former Assembly Speaker John Gard, who was an ALEC member. In 2002, Zueske gave the introduction for Thompson when he was the keynote speaker at ALEC's Spring Task Force Summit.

TNI is listed on the Wisconsin ALEC scholarship fund report between 2006 and 2009, and for an unknown reason is listed as both contributing to the fund and receiving scholarships. (Data from 2011 and 2012 is not available.) No other name on the accounting spreadsheet for the Wisconsin ALEC scholarship fund is listed as both contributing to the fund and receiving from it. David Steffen, TNI's Director of External Affairs, was the ALEC private sector co-chair for Wisconsin between 2006 and 2010.

TNI is also a member of the State Policy Network, which is actively involved in ALEC.

The Lynde and Harry Bradley Foundation is a Milwaukee-based private grant-making organization that gives approximately \$30 million in grants to various right-wing causes each year.

Foundation president and chief executive Michael Grebe served as the chair of Governor Walker's 2010 Gubernatorial campaign. He led transition efforts and is currently chairing Walker's campaign committee for the 2012 recall election.

Within days of Walker's 2010 election, he met the board and senior staff of the Bradley Foundation at Milwaukee's elite Bacchus Restaurant. Two weeks later, the Bradley-funded MacIver Institute published an editorial calling for Walker and the legislature to end collective

bargaining for public employees and attack private unions by making Wisconsin a “Right to Work” state.

The Maclver Institute received \$360,000 from Bradley in its first three years of existence, and is currently running the “It’s Working!” ads with Americans for Prosperity (AFP), which has also been funded by Bradley.

Among other things, Bradley has focused its funding efforts on programs to divert tax dollars from public schools to private entities via “voucher” programs that undermine public education. According to the *Milwaukee Journal Sentinel*, Bradley poured \$20 million into the effort to bring so-called “school choice” vouchers to Milwaukee, and has spent countless sums supporting groups that aim to expand the program across Wisconsin. These anti-public education initiatives are also advanced by ALEC.

According to the Bradley Foundation’s annual reports, it gave \$145,000 to ALEC in 2009 and 2010 for initiatives including ALEC’s “Budget Reform Education Project,” the “Donor Freedom Project,” and the “Budget Reform and Transparency Project” (The Foundation’s 2011 Annual Report is not yet available.) ALEC also thanked the Bradley Foundation in its 2011 “State Budget Reform Toolkit” for funding the publication, which promotes a number of templates that have been embraced by ALEC members in Wisconsin.

The John K. Maclver Institute for Public Policy is a Madison-based organization that, according to its web site, “promotes free markets, individual freedom, personal responsibility and limited government.”

As noted above, in 2011-2012, the Maclver Institute teamed up with ALEC member Americans for Prosperity to produce a multi-million dollar TV “issue ad” campaign called “It’s Working!” in support of Governor Scott Walker.

The Maclver/AFP ads tell Wisconsinites that Walker brought thousands of jobs to Wisconsin but omit the facts that Wisconsin is ranked 50 out of 50 in the nation in job creation and that the state lost at least 23,900 jobs between March 2011 and March 2012.

On November 24, 2010, just weeks after Walker was elected governor, the Maclver Institute published an editorial by Brian Fraley calling for the newly-elected governor and legislature to repeal public sector collective bargaining and make Wisconsin a “Right to Work” state. Walker never mentioned attacking collective bargaining rights during the campaign. The editorial was published two weeks before Walker first raised the subject publicly at a Milwaukee Press Club luncheon.

Fraley is Maclver’s Director of Communications and the former private sector co-chair of ALEC’s Health and Human Services Task Force.

The president of Maclver Institute is Brett Healy, who worked for former Assembly Speaker Scott Jensen for 12 years and was his Chief of Staff during the time Jensen was brought up on criminal charges for misconduct in office. Healy went on to become a lobbyist for School Choice Wisconsin in Milwaukee, working in the same field in which Jensen now works as a lobbyist.

The Maclver Institute also hosts writers from the ALEC-connected Franklin Center, which screens potential reporters on their “free market” views as part of the job application process.

The MacIver Institute is a member of the State Policy Network, which is actively in ALEC.

The **Wisconsin Reporter** is a vehicle for promoting ideologically-based wire stories about state legislation and politics, and is a division of StateHouse News, a product of the Franklin Center for Government & Public Integrity. The Franklin Center is an ALEC member, sponsor, and exhibitor. The Franklin Center's stated mission is "networking and training independent investigative reporters, as well as journalists from state based news organizations, public-policy institutions & watchdog groups."

The Nieman Journalism Lab at Harvard University wrote in 2010 that "critics have accused the Franklin Center, and its array of state-based websites, of purposefully half-reporting stories for a conservative gain." Its bureaus, including the Wisconsin Reporter, function as a news wire service, and local newspapers across Wisconsin have reprinted the free Wisconsin Reporter wire news stories with no notice of their ideological slant.

During the Wisconsin protests over Walker's budget in early 2011, the *Wisconsin Reporter* sponsored a questionable poll asserting that 71 percent of state residents thought the budget proposal to cut the collective bargaining rights of most of the state's public sector workers was "fair." The result was a statistical outlier, leading some to question the source. The same month, We Ask America, largely owned by the business organization Illinois Manufacturing Association, conducted a similar poll surveying 2,400 Wisconsin residents and found that 52 percent opposed Walker's plan.

The Franklin Center was a "Vice-Chairman"-level sponsor of ALEC's 2011 Annual Conference – which in 2010 equated to a \$25,000 sponsorship fee – and was one of about 60 entities with booths in ALEC's conference exhibition hall.

The Franklin Center receives part of its funding from the Bradley Foundation, which also has funded ALEC.

The American Federation for Children (AFC) is an organization with roots in Milwaukee that promotes public school privatization through "voucher programs" and charter schools. It shares an address and leadership with its 501(c)(3) partner Alliance for School Choice (ASC).

AFC is chaired by Betsy DeVos, the billionaire wife of Amway founder Richard DeVos and former chair of the Michigan Republican Party. In recent years, she has funneled tens of millions of dollars into school privatization efforts and other right-wing initiatives.

AFC is an ALEC member and is represented by former Rep. Jensen on the ALEC Education Task Force. Jensen is the former Republican Wisconsin Assembly Speaker convicted in 2005 of three felonies for misuse of his office for political purposes, and banned from the state Capitol for five years (the charges were later reduced on appeal). Jensen is one of AFC's registered lobbyists in Wisconsin.

Jensen has proposed bills to ALEC on behalf of AFC/ASC that were adopted as "model" legislation. For example, in March 2011, Jensen presented to the ALEC Education Task Force the "Education Savings Account Act," which creates financial incentives for families to take their children out of the public school system and put them in for-profit primary and secondary schools.

AFC was a "Trustee" level sponsor of ALEC's 2011 Annual Conference – which, according to data from 2010, equated to a \$5,000 payment to ALEC.

AFC was founded in 1998 in Milwaukee as the American Education Reform Foundation. It was renamed Advocates for School Choice, Inc. in 2004 and moved to Phoenix, Arizona. It later moved its headquarters to Washington, D.C., and its name was changed to AFC in 2009.

Conclusion: What You Can Do

CMD has been tracking ALEC since before the launch of ALEC Exposed with over 800 ALEC “model” bills and in-depth analysis of ALEC operations in July 2011. This report marks one phase of CMD’s ongoing investigation of ALEC’s corporate agenda, funding, and lobbying in Wisconsin and other states, and the nation’s capital.

Through this report, CMD intends to shine a light on ALEC’s impact on Wisconsin, and demonstrate how its agenda and those of state allies such as Americans for Prosperity-Wisconsin and the Maclver Institute advance corporations’ bottom lines at taxpayer expense and also attempt to rollback the rights of Wisconsin families.

Learn more and get involved. To access key information about ALEC, such as a list of ALEC corporate members, ALEC legislative members, ALEC state chairs, ALEC “scholars,” ALEC boards and task forces, ALEC funding, a comparison of ALEC and the National Conference of State Legislatures, an overview of CMD’s ALEC Exposed project, and a general ALEC FAQ, visit www.ALECExposed.org.

In addition, people across the country are focusing on asking corporations and politicians to leave ALEC. More information about these efforts is available from Color of Change, from Progress Now, and from People for the American Way. Additionally, Common Cause has filed a formal complaint with the IRS contending that ALEC is a corporate lobbying operation masquerading as a charity, and is also asking state Attorneys General to investigate ALEC’s lobbying in the states.

CMD has published numerous additional stories about ALEC and its corporate leaders, such as Koch Industries. To track new developments, visit our investigative reporting website, www.PRWatch.org.

CMD has also incorporated the analysis of substantive experts on the effect of the legislative agenda advanced through ALEC’s nine task forces. Those task forces include: 1) civil justice, 2) commerce, insurance and economic development, 3) communications and technology, 4) education, 5) energy, environment, and agriculture, 6) health and human services, 7) international relations, 8) public safety and elections, and 9) tax and fiscal policy. Although ALEC has disbanded the public safety and elections task force, a leader of that task force has insisted that its work would continue. More information about the activities of these task forces is available through the navigation bar of ALECExposed.org, and the most recent ALEC task force packets can also be accessed from the home page of ALECExposed.org, along with links to reports in other states and on other substantive issues.

Additionally, information about ALEC can be shared through social media from CMD’s Facebook page. Breaking news and information on ALEC can be followed on twitter through [@ALECExposed](https://twitter.com/ALECExposed) and [@PRWatch](https://twitter.com/PRWatch).

Appendix 1: Top Recipients of ALEC Corporate Member Donations

Name	Campaign Funds Received*
Governor (Fmr Rep.) Scott Walker (R-14)	\$406,558
Rep. Jeff Fitzgerald (R-39)	21,424
Fmr Sen. Randy Hopper (Recalled, R-18)	18,300
DOA Secretary (Fmr Rep.) Michael Huebsch (R-94)	15,915
Sen. Scott Fitzgerald (R-13)	14,870
Sen. Frank Lasee (R-1)	13,250
Sen. Van Wanggaard (R-21)	12,925
Sen. Sheila Harsdorf (R-10)	11,925
PSC Chairman (Fmr Rep.) Phil Montgomery (R-4)	9,400
Sen. Terry Moulton (R-23)	9,475
Rep. Keith Ripp (R-47)	8,615
Sen. Rich Zipperer (R-33)	8,197
Fmr Sen. Dan Kapanke (Recalled, R-32)	7,625
Sen. Alberta Darling (R-8)	8,920
Sen. Leah Vukmir (R-5)	5,950
Rep. Robin Vos (R-63)	4,485

* Includes campaign funds received from ALEC corporations or their employees 2008-2012

**Appendix 2: Top ALEC Donors to Wisconsin ALEC Legislators,
2008-2012**

Corporation	Amount
AT&T	\$55,735
Miller Brewing Company	48,005
Wisconsin Public Service Corp.	46,494
Alliant Energy	46,135
Time Warner Cable	38,794
WellPoint	35,550
Pfizer	35,395
Humana	25,463
Wal-Mart	20,765
Honeywell	20,495
General Electric	20,174
Eli Lilly and Company	17,885
National Rifle Association	17,150
BNSF Railway	16,500
Xcel Energy	15,415
Charter Communications	13,025
3M	12,300
State Farm Insurance Co	10,677
Union Pacific Railroad Co.	10,050
Purdue Pharma	10,000
UnitedHealthcare	7,738
Altria Group	7,300
Walgreens Inc	7,000
Koch Industries Inc. PAC	6,750
EDS	6,100
LoanMax	6,000
SC Johnson	5,885
Verizon	5,575
Hewlett-Packard	5,525
CenturyLink	5,500

Appendix 3: Detailed List of Wisconsin Bills and ALEC Templates (Updated)

WI Bill	ALEC "Model" Legislation	ALEC Member Bill Sponsors*	Status
Act 2/SB 1JR1: Tort Reform Legislation	Constitutional Guidelines for Punitive Damages Act, Regulatory Compliance Congruity With Liability Act, Product Liability Act, Litigation Accountability Act, Reliability in Expert Testimony Standards Act, Comparative Fault Act, Joint and Several Liability Act	Introduced by request of Governor Scott Walker, Committee on Senate Organization (S. Fitzgerald, Chair), Zipperer. Lazich, Kedzie, Vukmir, Kapanke, Darling, Grothman / Nygren, Litjens, Thiesfeldt, Knilans, Farrow, Vos, Loudenbeck, Endsley, Severson, August, Jacque, Strachota, Honadel, Petryk, LeMahieu, Nass, Stone	passed
Act 22/SB 13JR1: Telecommunications Modernization Act	Regulatory Modernization Act	Introduced by request of Governor Scott Walker, Committee on Senate Organization (S. Fitzgerald, Chair), Zipperer, Honadel. Harsdorf, Galloway, Grothman, Hopper, Kapanke, Moulton, Wanggaard, Vukmir / Weininger, Bernier, Endsley, Farrow, Jacque, Klenke, Knilans, Knudson, Kramer, Krug, Kuglitsch, T. Larson, Litjens, Petryk, Rivard, Severson, Stone, Strachota, Vos, Tranel	passed
Act 1/SB 2JR1: Health Savings Account Act	Health Savings Account Act	Introduced by request of Governor Scott Walker, Committee on Senate Organization (S. Fitzgerald, Chair), Darling. Vukmir, Lazich, Kedzie, Kapanke, Lasee, Grothman, Harsdorf / Kuglitsch, Weininger, Thiesfeldt, Kapenga, Litjens, Nygren, Knilans, Farrow, Vos, Loudenbeck, Endsley, Severson, August, Knudson, Jacque, Strachota, Honadel, Petryk, LeMahieu, Stone	passed
Act 9/AB 5: Super Majority Act	Super Majority Act	Introduced by request of Governor Scott Walker. Committee on Assembly Organization (J. Fitzgerald, Chair), August, Vukmir.	passed
SB 13: Drug and Medical Device Liability Act	Drug Liability Act	Introduced by request of Governor Scott Walker, Committee on Senate Organization (S. Fitzgerald, Chair), Zipperer.	did not pass

AB 14: Interest Rate Judgment Act	Prejudgment and Post-Judgment Act	Introduced by request of Governor Scott Walker, Committee on Assembly Organization (J. Fitzgerald, Chair), Farrow, Zipperer. Jacque / Vukmir, Darling, Galloway	did not pass
Act 21/AB 8: Economic Impact Statement Act	Economic Impact Statement Act	Introduced by request of Governor Scott Walker, Committee on Assembly Organization (J. Fitzgerald, Chair).	passed
Act 93/SB 22: Trespasser Responsibility Act	Trespasser Responsibility Act	Introduced by request of Governor Scott Walker, Committee on Senate Organization (S. Fitzgerald, Chair) Galloway, Kuglitsch. Zipperer / Farrow, August	passed
Act 23/AB 7: Voter ID Law	Voter ID Act	Stone, Honadel, Vos, Bernier, LeMahieu, August, Kramer, Ripp, Van Roy, Jacque, Litjens, Nass, Strachota, Steineke, Kapenga, Krug, Farrow, Knodl, Ballweg, Endsley, Rivard, Thiesfeldt, Petryk, Severson, Wynn, Knudson, Kuglitsch, Nygren, Knilans, J. Fitzgerald, Klenke / Lazich, Vukmir, Kapanke, Grothman, Darling, Galloway, Wanggaard, Kedzie, Ellis, Zipperer, Moulton, Lasee, Hopper, Harsdorf, S. Fitzgerald	passed
Act 10/AB 11: Budget Repair Bill	Public Employee Freedom Act, Public Employer Payroll Deduction Policy Act	Introduced by Governor Scott Walker, Committee on Assembly Organization (J. Fitzgerald, Chair).	passed
SB 22/AB 51: Charter School Reform Bill	Charter Schools Act, Next Generation Charter Schools, Virtual Schools Act	Darling, Lazich, Vukmir, Galloway / Vos, Marklein, Van Roy, Nass, Honadel, Ballweg, Knodl, Jacque, Wynn	did not pass
Act 38/SB 57/AB 86: Reinstating Truth In Sentencing	Truth In Sentencing Act	Wanggaard, Moulton, Zipperer, Galloway / Suder, Krug, Jacque, Steineke, Severson, Larson, Thiesfeldt, LeMahieu, Strachota, Endsley, Marklein, Rivard, Honadel, Stone, Petryk, Ripp, Knodl, Klenke, Farrow	passed
AB 94: The Milwaukee Parental Choice Program Expansion	Parental Choice Accountability Act	Marklein, Strachota, Farrow, Klenke, August, Knilans, Ripp, Tranel, Vos, Stone, Jacque. Thiesfeldt / Wanggaard, Darling, Hopper, Lazich, Zipperer, Moulton, Grothman	did not pass

AB 110: Special Needs Scholarship Act	Special Needs Scholarship Program Act	Litjens, Wynn, Knudson, Thiesfeldt, Vos, LeMahieu, Nygren, Strachota, Bernier, Endsley, Farrow, Honadel, Jacque, Knilans, Kramer, Krug, Kuglitsch, Larson, Petryk, Rivard, Severson, Vukmir, Moulton, Galloway, Darling	did not pass
SJR 23: Constitutional Amendment Restricting the Use of Vehicle Fees and Taxes for Highway Purposes	Constitutional Amendment Restricting the Use of Vehicle Fees and Taxes for Highway Purposes	Hopper, Lazich, Harsdorf, Kapanke / Endsley, Knilans, Farrow, Jacque, Nygren, Larson, Petryk, Thiesfeldt, LeMahieu, Strachota, Steineke, Van Roy, Tranel, Klenke, Rivard, Honadel	passed
SJR 21: Health Care Freedom Act	Freedom of Choice in Health Care Act	Lasee, Hopper, Galloway, Lazich, Moulton, Darling, Vos, Steineke, August, Strachota, Nygren, Severson, Petryk, Krug, LeMahieu, Endsley, Honadel	did not pass
Act 35/SB 93: Concealed Carry Act	Concealed Carry True Reciprocity Act, Concealed Carry Outright Recognition Act	Galloway, Grothman, Lazich, Moulton, Vukmir, Zipperer, August, Farrow, Kapenga, Knilans, Knudson, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Nass, Rivard, Severson, Strachota, Thiesfeldt, Wynn	passed
Act 94/AB 69: Castle Doctrine Act	Castle Doctrine Act	Jacque, LeMahieu, Nass, Petryk, Knodl, Steineke, August, Litjens, Krug, Strachota, Ripp, Honadel, Farrow, Thiesfeldt, Van Roy, Ballweg, Wynn / Wanggaard, Lazich, Vukmir, Grothman, Galloway, Darling, Harsdorf, Hopper, Moulton, Lasee, Kedzie	passed
AB 173: Bill Requiring Law Enforcement to Enforce Federal Immigration Law	Immigration Law Enforcement Act	Wynn, LeMahieu, Steineke, Jacque, Lasee	did not pass
Act 32/AB 40: Budget Bill - Study of Retirement Privatization	Public Employees Portable Retirement Option (PRO) Act	Joint Committee on Finance (Vos, Darling, Co-Chairs)	passed
Act 32/AB 40: Budget Bill - Provisions on Auto Title Loans	Title Pledge Act	Vos	passed

Act 32/AB 40: Budget Bill - Capital Gains Tax Elimination	The Capital Gains Tax Elimination Act	Joint Committee on Finance (Vos, Darling, Co-Chairs)	passed
Act 32/AB 40: Budget Bill - Moist Tobacco Proposal	Resolution on the Enhancement of Economic Neutrality, Commercial Efficiency, and Fairness in the Taxation of Moist Smokeless Tobacco (MST) Products	Darling, Harsdorf, Hopper	vetoed
Act 32/AB 40: Budget Bill - Certification and Licensure of Commercial Bail Recovery Agents	Anti Crime Secured Release Act	Vos	vetoed
Act 32/AB 40: Lifting Cap on Virtual School Enrollment	Virtual Schools Act	Joint Committee on Finance (Vos, Darling, Co-Chairs)	passed
Act 32/AB 40: Budget Bill - Provisions on Mandatory Unitary Combined Reporting	Resolution in Opposition to Mandatory Unitary Combined Reporting	Joint Committee on Finance (Vos, Darling, Co-Chairs)	passed
AB 567: Certification and Licensure of Commercial Bail Recovery Agents	Anti Crime Secured Release Act	Krug, Jacque	did not pass
AB 497/SB 382: Providing Immunity from Liability to a School Board or the Governing Body of a Charter School	Landowners Liability Act	Bernier, Jacque, LeMahieu, Marklein, Strachota, Thiesfeldt / Galloway, Lazich, Grothman	did not pass
Act 174/AB 56: Retail Theft, Proof of Ownership for Flea Market Sales, and Providing Penalties	Unused Property Market Act	Wanggaard	passed
AB 631: Personal Financial Literacy Act	Personal Financial Literacy Act	Krug, Tranel, Rivard, Endsley, Van Roy	did not pass

Act 285/SB 399/AB 509: The Admissibility of Hearsay Evidence at a Preliminary Examination	Hearsay in Public Hearings Act	Grothman, Lazich / Jacque, Krug, LeMahieu	passed
AB 112: Family Education Tax Credit Program Act	Family Education Tax Credit Program Act	Jacque, Wynn, Honadel, Kapenga, Knilans, LeMahieu, Litjens, Petryk, Thiesfeldt, Vos. Grothman, Galloway, Lazich	did not pass

* Bills co-authored or co-sponsored in 2011-2012 by ALEC members