



Liberal organization links Wisconsin bills to Koch-funded group

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In the midst of trying to balance the state's multibillion-dollar budget, who had time to debate the state tax on moist tobacco products?

The **American Legislative Exchange Council's** allies in the Wisconsin Legislature did.

Late in the budget debate, six Republican lawmakers - including four currently facing recall elections - sponsored a proposal to lower the overall price of moist snuff like **Copenhagen** and **Skool**. Specifically, the provision would have altered the tax on smokeless tobacco products from one based on the price of the tobacco to one based on weight.

That stance on this obscure subject matches a model resolution approved by ALEC, a conservative outfit that brings corporations and lawmakers together to draw up draft legislation.

Gov. **Scott Walker** eventually vetoed the item before signing the 2011-'13 budget.

Mary Bottari, spokeswoman for the left-wing **Center for Media and Democracy**, said the moist tobacco proposal illustrates the influence the relatively obscure conservative outfit has on the legislative process in Wisconsin and other states.

"These are very specific, ideological agenda items," said Bottari, whose group is making [available online](#) 800-plus of ALEC's draft bills and resolutions that it obtained from a whistleblower. "It's deserving of some scrutiny."

Overall, her media research group has identified about 20 ALEC proposals that it says have been introduced or approved by Wisconsin lawmakers this year.

For instance, the center finds [strong parallels](#) between nine ALEC measures and the tort-reform law introduced by Walker and approved by the GOP-controlled Legislature in a special session in January.

But a Walker spokesman says the first-term Republican didn't rely on any draft legislation from ALEC when putting together the tort-reform law or any other bill he's introduced this year.

"Absolutely not," said Walker aide **Cullen Werwie**.

Walker listed himself as a member of the conservative group on his official biography when in the Legislature during the 1990s.

State Rep. **Robin Vos**, state chairman for ALEC, said he's unaware of any model ALEC bills or resolutions that have made it through the state Legislature so far this year, though he acknowledged that he could have missed one.

Vos said the group - which receives funding from the Koch brothers and the Milwaukee-based **Bradley Foundation** - simply provides a way for state lawmakers to share ideas from other states.

Even if someone introduces a model ALEC bill, Vos said, it still must be vetted via the committee process.

"This is a made-up issue," Vos said.

Still, the similarities between some Wisconsin legislation and ALEC draft bills are striking.

On the moist tobacco proposal, an ALEC staffer even wrote to the governor to ask him not to veto the item after it was inserted in the budget bill.

"The amendment will create a fairer tax system that reduces market distortions and encourages fiscal stability," wrote **Courtney O'Brien**, director of the Commerce, Insurance, and Economic Development & Public Safety and Elections Task Forces at ALEC.

She did not return calls or emails. The measure was pushed by **Altria**, the parent company of **Philip Morris USA**, which would have benefited from it because it manufactures smokeless tobacco products that are far lighter than those of other manufacturers.

Two of the four Republican senators targeted for recalls who sponsored the provision - **Luther Olsen** of Ripon and **Sheila Harsdorf** of River Falls - distanced themselves from the issue.

"We do not interact with them at all," Olsen aide **Tara Baxter** said of ALEC. She said her boss had never been a member of the organization and "never will be."

Sens. **Alberta Darling** of River Hills and **Randy Hopper** of Fond du Lac didn't return calls.

As it turns out, the proposal was ordered up by Senate Majority Leader **Scott Fitzgerald**, a Juneau Republican. He has [received](#) about \$3,000 in reimbursements from ALEC to attend conferences in the past two years, according to his ethics statements.

Fitzgerald spokesman **Andrew Welhouse** said his boss pushed the moist tobacco proposal because it is the fair thing to do. Federal officials, he said, already tax snuff, chewing tobacco and pipe tobacco based on weight.

Welhouse said it's not surprising that GOP legislators and ALEC agree on a tax issue.

"Lately, it feels like the Democrats are trying to create this ALEC boogeyman, but we didn't make this change because it's an ALEC bill - we made it because it's a tax fairness issue," Welhouse said.

"ALEC supports organ donation and drug-free schools, too. Sometimes good ideas are just good ideas."

That's not the only proposal with strong similarities to ALEC's draft legislation.

Vos fought [to insert](#) a provision in the state budget to bring for-profit bail bondsmen back to Wisconsin.

But the co-chairman of the powerful Joint Finance Committee said he couldn't have used the model ALEC bills on this issue because Wisconsin's statutes are so unusual on this issue.

Sen. **Leah Vukmir** - voted national "Legislator of the Year" at ALEC's 2009 annual meeting - has introduced a bill that would give scholarships to handicapped students so they could attend private schools enrolled in the state's choice program. The name of her bill, the Special Needs Scholarship Program Act, is verbatim as the model bill from ALEC.

That's also true of her Patient's Right to Know Act, a bill she sponsored in 2009 that would allow patients to ask health care providers and insurers about the cost and coverage for specific medical procedures.

Vukmir aide **Jason Rostan** said the scholarship bill actually came from a proposal in Florida. He said he thought the idea may have originally come from school choice proponents.

As for the health care legislation, he said, Vukmir took the proposal to ALEC after she introduced it here. Members of the conservative group then signed off on the plan, adopting it as a model bill.

"We actually gave it to ALEC," Rostan said.

Bottari, the critic of ALEC, said she's not buying the denials from the governor and top Wisconsin legislators that they're not using material from the national group when crafting their bills.

Her group maintains that ALEC allows corporations and conservative lawmakers to work in secret to draw up bills that benefit specific business interests. By pushing the model legislation and resolutions, the group is trying to bring greater scrutiny to ALEC's influence.

"When you consider the 20 ALEC bills we identified and the ideas that keep coming out of this (Walker) administration," Bottari said, "it just defies belief that there's no relationship between these bills and ALEC."

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