



STATE OF WISCONSIN

Assembly Journal

One-Hundred and Fourth Regular Session

12:47 P.M.

TUESDAY, February 12, 2019

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Vos in the Chair.

Representative Steineke asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Pastor David Hart of the Sherman Avenue United Methodist Church in Madison.

Representative Crowley led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present - Representatives Anderson, August, Ballweg, Billings, Born, Bowen, Brandtjen, Brooks, Brostoff, Cabrera, Considine, Crowley, Dittrich, Doyle, Duchow, Edming, Emerson, Felzkowski, Fields, Goyke, Gruszynski, Gundrum, Haywood, Hebl, Hesselbein, Hintz, Hutton, Jagler, James, Katsma, Kerkman, Kitchens, Knodl, Kolste, Krug, Kuglitsch, Kulp, Kurtz, Loudenbeck, Macco, Magnafici, Meyers, Milroy, Murphy, Mursau, Myers, Neubauer, Neylon, Novak, Nygren, Ohnstad, Oldenburg, Ott, Petersen, Petryk, Plumer, Pope, Pronschinske, Quinn, Ramthun, Riemer, Rodriguez, Rohrkaste, Sanfelippo, Sargent, Schraa, Shankland, Sinicki, Skowronski, Snyder, Sortwell, Spiros, Spreitzer, Stafholt, Steffen, Steineke, Stubbs, Subeck, Summerfield, Swearingen, Tauchen, C. Taylor, Thiesfeldt, Tittl, Tranel, Tusler, VanderMeer, Vining, Vorpagel, Vruwink, Wichgers, Wittke, Zamarripa, Zimmerman and Speaker Vos - 95.

Absent with leave - Representatives Allen, Horlacher and Stuck - 3.

Vacancies - 64th Assembly District - 1.

LEAVES OF ABSENCE

Representative Knodl asked unanimous consent for a leave of absence for today's session for Representatives Allen and Horlacher. Granted.

Representative Spreitzer asked unanimous consent for a leave of absence for today's session for Representative Stuck. Granted.

LEAVES OF ABSENCE

Representative Knodl asked unanimous consent for a leave of absence for part of today's session for Representative Tittl. Granted.

Representative Spreitzer asked unanimous consent for a leave of absence for part of today's session for Representative Milroy. Granted.

Representative Milroy asked unanimous consent that his leave of absence be lifted. Granted.

SPECIAL GUEST

Representative Felzkowski introduced Hometown Hero Award recipient Bill Kelly of Antigo, who was honored for his work with the Langlade County Salvation Army. Mr. Kelly addressed the members from the rostrum.

SPECIAL GUESTS

Representative Tauchen introduced Hometown Hero Award recipients Chad and Cheyna Kary of Shawano, who created the charity "Georgia's House", in memory of their daughter Georgia, which provides housing for parents who have children in the NICU. Mr. Kary addressed the members from the rostrum.

SPECIAL GUESTS

Representative Hesselbein introduced Hometown Hero Award recipients Middleton Police Officer Tyler Loether, Middleton Police Officer Richard O'Connor, Dane County Sheriff's Deputy Matthew Earll and Dane County Sheriff's Deputy David Lambrecht, who were honored for their efforts in preventing a massacre during a Middleton workplace shooting on September 12, 2018. Officer Loether addressed the members from the rostrum.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 5

Relating to: proclaiming February 2019 as Black History Month.

By Representatives Vos and Steineke.

To committee on **Rules**.

Assembly Joint Resolution 7

Relating to: proclaiming February 2019 as Black History Month.

By Representatives Crowley, Anderson, Billings, Bowen, Brostoff, Cabrera, Considine, Doyle, Emerson, Fields, Goyke, Gruszynski, Haywood, Hebl, Hesselbein, Hintz, Kolste, Meyers, Milroy, Myers, Neubauer, Ohnstad, Pope, Riemer, Sargent, Shankland, Sinicki, Spreitzer, Stubbs, Stuck, Subeck, C. Taylor, Vining, Vruwink and Zamarripa.

To committee on **Assembly Organization**.

Assembly Bill 22

Relating to: driver education instruction on human trafficking.

By Representatives Thiesfeldt, Bowen, Billings, Considine, Dittrich, Emerson, Fields, Gundrum, Hutton, Kolste, Kuglitsch, Kulp, Murphy, Mursau, Ohnstad, Plumer, Ramthun, Rodriguez, Rohrkaste, Sanfelippo, Sargent, Skowronski, Sinicki, Spreitzer, Stuck, Subeck, C. Taylor, Tittl, Tusler, Vining, Vorpapel, Vruwink, Wichgers, Wittke, Zamarripa and Zimmerman; cosponsored by Senators Johnson, Darling, Schachtner, Bernier, Carpenter, Cowles, Jacque, Larson, Nass, Olsen, Ringhand, Risser, Smith, L. Taylor and Wanggaard.

To committee on **Colleges and Universities**.

Assembly Bill 23

Relating to: career and technical education incentive grants and making an appropriation.

By Representatives Ballweg, Gundrum, Kulp, Novak, Ramthun, Rodriguez, Skowronski, Thiesfeldt, Wichgers, Zimmerman and Tusler; cosponsored by Senators Feyen, Darling and Testin.

To committee on **Workforce Development**.

Assembly Bill 24

Relating to: step therapy protocols for prescription drug coverage and requiring the exercise of rule-making authority.

By Representatives Nygren, Oldenburg, Schraa, Kolste, Subeck, Rodriguez, Ballweg, Dittrich, Petersen, Horlacher, Vorpapel, Mursau, Kuglitsch, Spiros, Edming, Gundrum, Felzkowski, Kulp, Skowronski, Brooks, Ramthun, Thiesfeldt, Tittl, Swearingen, Novak, Jagler, VanderMeer, Zimmerman, Krug, Quinn, Rohrkaste, Duchow, Magnafici, Born, Kurtz, Brandtjen, Plumer, Summerfield, Loudenbeck, Ott and Knodl; cosponsored by Senators Darling, Jacque, Roth, Johnson, Feyen, Marklein, Nass, Olsen, Ringhand, Wanggaard, Testin, Cowles, LeMahieu, Carpenter and Wirch.

To committee on **Health**.

RULING ON THE POINT OF ORDER

On Tuesday, January 22 (page 24 of the Assembly Journal), Representative Steineke rose to a point of order that Assembly Amendment 1 to Assembly Substitute Amendment 1 and Assembly Amendment 2 to Assembly Substitute Amendment 1 to **Assembly Bill 1** was not germane under Assembly Rule 54 (3)(f).

Speaker Pro Tempore August ruled the point of order **well taken**. The full text of the ruling by Speaker Pro Tempore August follows:

“Representative Steineke rose to the point of order that Assembly Amendment 1 to Assembly Substitute Amendment 1 to **Assembly Bill 1** was not properly before the body as it was non-germane under Assembly Rule 54 (3)f.

I find the point of order **well taken**.

Representative Shankland contended that the amendment was germane under Assembly Rule 54 (4)b because the amendment “accomplishes the same purpose in a different manner.”

This is not the case. The amendment sought to authorize the Governor to authorize the Attorney General to withdraw from a federal lawsuit challenging the Patient Protection and Affordable Care Act. While pre-existing conditions are certainly mentioned throughout ASA1 to AB1 as well as the Patient Protection and Affordable Care Act, simply withdrawing from the federal lawsuit does not in and of itself guarantee those protections in state law. The lawsuit could and likely would continue on as the State of Wisconsin is not the only plaintiff in the case. Therefore, simply withdrawing from the lawsuit does not accomplish the same purpose of ASA1 to AB1 in a different manner.

Further, ASA1 to AB1 does not refer to the specific lawsuit referred to in AA1. ASA1 deals specifically with under what terms an insurance provider may or may not decline coverage to an individual. No mention of any federal lawsuit is made and therefore AA1 to ASA1 to AB1 is clearly non germane as it dramatically expands the scope of the bill.

Representative Steinke rose to the point of order that Assembly Amendment 2 to Assembly Substitute Amendment 1 to **Assembly Bill 1** was not properly before the body as it was non-germane under Assembly rule 54 (3)f.

I find the point of order **well taken**.

The Dean of the Assembly Representative Sinicki contended that the amendment was in fact germane because it dealt with topics such as prescription drug coverage and women’s healthcare coverage.

ASA1 to AB1 deals specifically with under what terms an insurance provider may or may not decline coverage to an individual. Nowhere in ASA1 to AB1 are the content of insurance plans mentioned. AA2 seeks to include what content must be included in insurance coverage, which is not the original intent of AB1 or ASA1 to AB1. Therefore, AA2 is clearly non-germane as it dramatically expands the scope of the bill.”

CALENDAR OF TUESDAY, FEBRUARY 12

Assembly Resolution 3

Relating to: proclaiming the month of February 2019 as Career and Technical Education Month in Wisconsin.

The question was: Shall **Assembly Resolution 3** be adopted?

Motion carried.

Assembly Joint Resolution 3

Relating to: proclaiming February 2019 to be American Heart Month in Wisconsin.

The question was: Shall **Assembly Joint Resolution 3** be adopted?

Motion carried.

Representative Steineke asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 3** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 4

Relating to: recognizing February as Teen Dating Violence Awareness and Prevention Month.

The question was: Shall **Assembly Joint Resolution 4** be adopted?

Motion carried.

Representative Steineke asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 4** be immediately messaged to the Senate. Granted.

Speaker Vos introduced a privileged joint resolution:

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 6

Relating to: modifying the session schedule for the 2019-20 biennial session period.

By Representatives Steineke and Vos.

Privileged and read.

The question was: Shall **Assembly Joint Resolution 6** be adopted?

The roll was taken.

The result follows:

Ayes - Representatives Anderson, August, Ballweg, Billings, Born, Bowen, Brandtjen, Brooks, Brostoff, Cabrera, Considine, Crowley, Dittrich, Doyle, Duchow, Edming, Emerson, Felzkowski, Fields, Goyke, Gruszynski, Gundrum, Haywood, Hebl, Hesselbein, Hintz, Hutton, Jagler, James, Katsma, Kerkman, Kitchens, Knodl, Kolste, Krug, Kuglitsch, Kulp, Kurtz, Loudenbeck, Macco, Magnafici, Meyers, Milroy, Murphy, Mursau, Myers, Neubauer, Neylon, Novak, Nygren, Ohnstad, Oldenburg, Ott, Petersen, Petryk, Plumer, Pope, Pronschinske, Quinn, Ramthun, Riemer, Rodriguez, Rohrkaste, Sanfelippo, Sargent, Schraa, Shankland, Sinicki, Skowronski, Snyder, Sortwell, Spiros, Spreitzer, Stafsholt, Steffen, Steineke, Stubbs, Subeck, Summerfield, Swearingen, Tauchen, C. Taylor, Thiesfeldt, Tranel, Tusler, VanderMeer, Vining, Vorpapel, Vruwink, Wichgers, Wittke, Zamarripa, Zimmerman and Speaker Vos - 94.

Noes - None.

Absent or not voting - Representatives Allen, Horlacher, Stuck and Tittl - 4.

Motion carried.

Representatives Subeck and Emerson asked unanimous consent to be added as coauthors of **Assembly Joint Resolution 6**. Granted.

Representative Steineke asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 6** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 5

Relating to: proclaiming February 2019 as Black History Month.

Representative Steineke asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 5** be withdrawn from the committee on **Rules** and taken up at this time.

Representative Crowley objected.

Representative Steineke moved that the rules be suspended and that **Assembly Joint Resolution 5** be withdrawn from the committee on **Rules** and taken up at this time.

The question was: Shall **Assembly Joint Resolution 5** be withdrawn from the committee on **Rules** and taken up at this time?

The roll was taken.

The result follows:

Ayes - Representatives August, Ballweg, Born, Brandtjen, Brooks, Dittrich, Duchow, Edming, Felzkowski, Gundrum, Hutton, Jagler, James, Katsma, Kerkman, Kitchens, Knodl, Krug, Kuglitsch, Kulp, Kurtz, Loudenbeck, Macco, Magnafici, Murphy, Mursau, Neylon, Novak, Nygren, Oldenburg, Ott, Petersen, Petryk, Plumer, Pronschinske, Quinn, Ramthun, Rodriguez, Rohrkaste, Sanfelippo, Schraa, Skowronski, Snyder, Sortwell, Spiros, Stafsholt, Steffen, Steineke, Summerfield, Swearingen, Tauchen, Thiesfeldt, Tranel, Tusler, VanderMeer, Vorpapel, Wichgers, Wittke, Zimmerman and Speaker Vos - 60.

Noes - Representatives Anderson, Billings, Bowen, Brostoff, Cabrera, Considine, Crowley, Doyle, Emerson, Fields, Goyke, Gruszynski, Haywood, Hebl, Hesselbein, Hintz, Kolste, Meyers, Milroy, Myers, Neubauer, Ohnstad, Pope, Riemer, Sargent, Shankland, Sinicki, Spreitzer, Stubbs, Subeck, C. Taylor, Vining, Vruwink and Zamarripa - 34.

Absent or not voting - Representatives Allen, Horlacher, Stuck and Tittl - 4.

Motion failed.

Speaker Pro Tempore August in the chair.

Assembly Bill 4

Relating to: increasing the maximum deduction under the individual income tax sliding scale standard deduction.

The question was: Shall Assembly Amendment 1 to **Assembly Bill 4** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 4** be ordered engrossed and read a third time?

Motion carried.

Representative Steineke asked unanimous consent that the rules be suspended and that **Assembly Bill 4** be given a third reading. Granted.

Representative Tittl asked unanimous consent that his leave of absence be lifted. Granted.

Speaker Pro Tempore August asked unanimous consent that the Assembly stand informal. Granted.

The Assembly stood informal.

3:01 P.M.

INFORMAL

3:15 P.M.

The Assembly reconvened.

Speaker Vos in the chair.

Speaker Pro Tempore August in the chair.

The question was: **Assembly Bill 4** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes - Representatives August, Ballweg, Born, Brandtjen, Brooks, Dittrich, Duchow, Edming, Felzkowski, Gundrum, Hutton, Jagler, James, Katsma, Kerkman, Kitchens, Knodl, Krug, Kuglitsch, Kulp, Kurtz, Loudenbeck, Macco, Magnafici, Murphy, Mursau, Neylon, Novak, Nygren, Oldenburg, Ott, Petersen, Petryk, Plumer, Pronschinske, Quinn, Ramthun, Rodriguez, Rohrkaste, Sanfelippo, Schraa, Skowronski, Snyder, Sortwell, Spiros, Stafsholt, Steffen, Steineke, Summerfield, Swearingen, Tauchen, Thiesfeldt, Tittl, Tranel, Tusler, VanderMeer, Vorpapel, Wichgers, Wittke, Zimmerman and Speaker Vos - 61.

Noes - Representatives Anderson, Billings, Bowen, Brostoff, Cabrera, Considine, Crowley, Doyle, Emerson, Fields, Goyke, Gruszynski, Haywood, Hebl, Hesselbein, Hintz, Kolste, Meyers, Milroy, Myers, Neubauer, Pope, Riemer, Sargent, Shankland, Sinicki, Spreitzer, Stubbs, Subeck, C. Taylor, Vining, Vruwink and Zamarripa - 33.

Paired for - Representative Allen - 1.

Paired against - Representative Ohnstad - 1.

Absent or not voting - Representatives Horlacher and Stuck - 2.

Motion carried.

Representative Steineke asked unanimous consent that the rules be suspended and that **Assembly Bill 4** be immediately messaged to the Senate. Granted.

Representative Crowley introduced a privileged resolution.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 8

Relating to: proclaiming February 2019 as Black History Month.

By Representatives Crowley, Anderson, Billings, Bowen, Brostoff, Cabrera, Considine, Doyle, Emerson, Goyke, Gruszynski, Haywood, Hebl, Hesselbein, Hintz, Kolste, Meyers, Milroy, Myers, Neubauer, Ohnstad, Pope, Riemer, Sargent, Shankland, Sinicki, Spreitzer, Stubbs, Stuck, Subeck, C. Taylor, Vining, Vruwink, Zamarripa and Fields.

Privileged and read.

Assembly Amendment 1 to **Assembly Joint Resolution 8** offered by Representative Steineke.

The question was: Shall Assembly Amendment 1 to **Assembly Joint Resolution 8** be adopted?

The roll was taken.

The result follows:

Ayes - Representatives August, Ballweg, Born, Brandtjen, Brooks, Dittrich, Duchow, Edming, Felzkowski, Gundrum, Hutton, Jagler, James, Katsma, Kerkman, Kitchens, Knodl, Krug, Kuglitsch, Kulp, Kurtz, Loudenbeck, Macco, Magnafici, Murphy, Mursau, Neylon, Novak, Nygren, Oldenburg, Ott, Petersen, Petryk, Plumer, Pronschinske, Quinn, Ramthun, Rodriguez, Rohrkaste, Sanfelippo, Schraa, Skowronski, Snyder, Sortwell, Spiros, Stafsholt, Steffen, Steineke, Summerfield, Swearingen, Tauchen, Thiesfeldt, Tittl, Tranel, Tusler, VanderMeer, Vorpapel, Wichgers, Wittke, Zimmerman and Speaker Vos - 61.

Noes - Representatives Anderson, Billings, Bowen, Brostoff, Cabrera, Considine, Crowley, Doyle, Emerson, Fields, Goyke, Gruszynski, Haywood, Hebl, Hesselbein, Hintz, Kolste, Meyers, Milroy, Myers, Neubauer, Ohnstad, Pope, Riemer, Sargent, Shankland, Sinicki, Spreitzer, Stubbs, Subeck, C. Taylor, Vining, Vruwink and Zamarripa - 34.

Absent or not voting - Representatives Allen, Horlacher and Stuck - 3.

Motion carried.

The question was: Shall **Assembly Joint Resolution 8** be adopted?

The roll was taken.

The result follows:

Ayes - Representatives Anderson, August, Ballweg, Billings, Born, Bowen, Brandtjen, Brooks, Brostoff, Cabrera,

Considine, Crowley, Dittrich, Doyle, Duchow, Edming, Emerson, Felzkowski, Fields, Goyke, Gruszynski, Gundrum, Haywood, Hebl, Hesselbein, Hintz, Hutton, Jagler, James, Katsma, Kerkman, Kitchens, Knodl, Kolste, Krug, Kuglitsch, Kulp, Kurtz, Loudenebeck, Macco, Magnafici, Meyers, Milroy, Murphy, Mursau, Myers, Neubauer, Neylon, Novak, Nygren, Ohnstad, Oldenburg, Ott, Petersen, Petryk, Plumer, Pope, Pronschinske, Quinn, Ramthun, Riemer, Rodriguez, Rohrkaste, Sanfelippo, Sargent, Schraa, Shankland, Sinicki, Skowronski, Snyder, Sortwell, Spiros, Spreitzer, Stafsholt, Steffen, Steineke, Stubbs, Subeck, Summerfield, Swearingen, Tauchen, C. Taylor, Thiesfeldt, Tittl, Tranel, Tusler, VanderMeer, Vining, Vorpapel, Vruwink, Wichgers, Wittke, Zamarripa, Zimmerman and Speaker Vos - 95.

Noes - None.

Absent or not voting - Representatives Allen, Horlacher and Stuck - 3.

Motion carried.

Representative Steineke asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 8** be immediately messaged to the Senate. Granted.

Representatives Anderson, Billings, Bowen, Brostoff, Cabrera, Considine, Crowley, Doyle, Emerson, Fields, Goyke, Gruszynski, Haywood, Hebl, Hesselbein, Hintz, Kolste, Meyers, Milroy, Myers, Neubauer, Ohnstad, Pope, Riemer, Sargent, Shankland, Sinicki, Spreitzer, Stubbs, Subeck, C. Taylor, Vining, Vruwink and Zamarripa asked unanimous consent to be recorded as voting “**No**” on the previous question. Granted.

SPEAKER’S COMMUNICATIONS

February 12, 2019

Kevin A. Carr, Secretary
Wisconsin Department of Corrections
3099 East Washington Avenue
Madison, WI 53705

Dear Secretary Carr:

On February 11th, I sent you a letter appointing three members to the Juvenile Corrections Grant Committee. My letter inadvertently stated that:

“...I am appointing the following representatives to the Juvenile Corrections Grant Committee *and the Juvenile Corrections Study Committee...*”

Including both committees was an error; I am only appointing the three named representatives to the Juvenile Corrections Grant Committee. My previous appointments to the Juvenile Corrections Study Committee will remain unchanged.

I apologize for any confusion. Please reach out to my office with any questions.

Sincerely,
ROBIN J. VOS
Assembly Speaker

COMMUNICATIONS

February 11, 2019

Patrick E. Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

Effective as of the date of this letter, and in consultation with Senate Minority Leader Shilling, I am making the following appointments to the Speaker’s Taskforce on Water Quality:

Senator Rob Cowles
Senator André Jacque
Senator Mark Miller
Senator Patrick Testin

Sincerely,
SCOTT FITZGERALD
Senate Majority Leader

February 12, 2019

Patrick E. Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 20, relating to terminology changes for those with an intellectual disability in administrative rules.

Sincerely,
TOD OHNSTAD
State Representative
65th Assembly District

February 12, 2019

Patrick E. Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 20, relating to terminology changes for those with an intellectual disability in administrative rules.

Sincerely,
KATRINA SHANKLAND
State Representative
71st Assembly District

February 12, 2019

Patrick E. Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

Due to unforeseen family circumstances I was unable to make it to the Assembly Floor Session on Tuesday, February 12, 2019. Had I been able to be present I would have voted in the affirmative (Aye) for Assembly Bill 4. Please record my intentions. Thank you.

Sincerely,
CODY HORLACHER
State Representative
33rd Assembly District

VISITORS

During today's session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Family of the Hometown Hero Award recipient Bill Kelly, including his wife Beth Kelly, daughter Christine Kelly Rogillio, and sons, Charles Kelly, Cavan Kelly and Lt. Col. Clark Kelly USAF retired, guests of Representative Felzkowski.

Nate Herbst, the CEO of Paradigm along with Sarah Herbst; Middleton Police Chief Charles Foulke; Dane County Chief Deputy Jeff Hook; Middleton Mayor Gurdip Brar; Middleton City Administrator Mike Davis; Middleton Alders JoAnna Richard and Emily Kuhn; County Supervisor Steve Peters and MCPASD Board Member Bob Hesselbein, guests of Representative Hesselbein.

Constituents visiting the Capitol for Superior Days, guests of Representative Meyers.

Jennifer and Ashton Thiele from the Marinette County Library, guests of Representative Nygren.

Chet Agni, new staff member and guest of Representative C. Taylor.

Maria Konecke, new staff member and guest of Representatives Kolste and Considine.

ADJOURNMENT

Representative Steineke moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, February 14.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

5:05 P.M.