



STATE OF WISCONSIN Senate Journal

One-Hundred and Fourth Regular Session

1:20 P.M.

WEDNESDAY, February 13, 2019

The Senate met.

The Senate was called to order by Senate President Roth.

CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for session was:

Senators Bernier, Bewley, Carpenter, Cowles, Craig, Darling, Erpenbach, Feyen, Fitzgerald, Hansen, Jacque, Johnson, Kapenga, Kooyenga, Larson, LeMahieu, Marklein, Miller, Nass, Olsen, Petrowski, Ringhand, Risser, Roth, Schachtner, Shilling, Smith, Stroebel, L. Taylor, Testin, Tiffany, Wanggaard and Wirch - 33.

Absent with leave – None - 0.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Johnson led the Senate in the pledge of allegiance to the flag of the United States of America.

Pursuant to Senate Rule 17 (6), the Chief Clerk made the following entries under the above date.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate Amendment 1 to **Assembly Joint Resolution 8** offered by Senators L. Taylor, Shilling, Erpenbach, Larson, Miller, Smith, Ringhand, Risser, Schachtner, Bewley, Hansen, Wirch and Johnson.

Senate Substitute Amendment 1 to **Assembly Joint Resolution 8** offered by Senators L. Taylor, Johnson, Shilling, Carpenter, Larson, Risser, Ringhand, Miller, Bewley, Wirch, Hansen, Smith, Schachtner and Erpenbach.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Cowles added as a cosponsor of **Assembly Joint Resolution 3**.

Pursuant to Senate Rule 17 (5), Representatives Shankland and Macco added as cosponsors of **Senate Bill 19**.

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND JOINT RESOLUTIONS NOT REQUIRING A THIRD READING

Senate Joint Resolution 6

Relating to: recognizing March 1, 2019, as National Speech and Debate Education Day in Wisconsin.

The question was: Adoption of **Senate Joint Resolution 6?**

Adopted.

Assembly Joint Resolution 3

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

The question was: Concurrence of **Assembly Joint Resolution 3?**

Concurred in.

Assembly Joint Resolution 8

Relating to: proclaiming February 2019 as Black History Month.

Senator Roth, with unanimous consent, asked that the Senate stand informal.

Senator Taylor, with unanimous consent, asked that Senate Substitute Amendment 1 to **Assembly Joint Resolution 8** be read.

Senator Roth, with unanimous consent, asked that the Senate stand informal.

The Chair noted a possible lack of a quorum.

The roll was taken and a quorum was present.

Senator Feyen moved that Senate Substitute Amendment 1 to **Assembly Joint Resolution 8** be laid on the table.

The question was: Tabling of Senate Substitute Amendment 1 to **Assembly Joint Resolution 8?**

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes - Senators Bernier, Cowles, Craig, Darling, Feyen, Fitzgerald, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany and Wanggaard - 19.

Noes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Larson, Miller, Ringhand, Risser, Schachtner, Shilling, Smith, L. Taylor and Wirch - 14.

Absent or not voting – None - 0.

Tabled.

Senator Taylor, with unanimous consent, asked that Senate Substitute Amendment 1 to **Assembly Joint Resolution 8** be entered into the journal.

**SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY JOINT RESOLUTION 8**

Offered by Senators L. Taylor, Johnson, Shilling, Carpenter, Larson, Risser, Ringhand, Miller, Bewley, Wirch, Hansen, Smith, Schachtner and Erpenbach.

Relating to: proclaiming February 2019 as Black History Month.

Whereas, Black History Month provides a deliberate opportunity to reflect on the common humanity underlying all people and to raise awareness and foster respect for the heritage and contributions of people of African descent; and

Whereas, this year marks 400 years since the arrival of enslaved Africans in Virginia. The existence of Africans in North America can be traced back to 1525, and through 1866 the Trans-Atlantic Slave Trade is estimated to have ensnared more than 12 million African people, with an estimated 10 million surviving the unconscionable Middle Passage, landing in North America, the Caribbean, and South America; and

Whereas, Wisconsin history first references African descendants in a speech given in 1725 by a chief of the Illinois Indians, in which he said “a negro belonging to Monsieur de Boisbriant” at Green Bay; and

Whereas, the United States has recognized black history annually since February 12, 1926, first as “Negro History Week” and later as “Black History Month,” by noted Harvard scholar and historian Dr. Carter G. Woodson, celebrating the ethnic and racial diversity that enriches and strengthens our nation; and

Whereas, both enslaved and free people of African descent have participated in every aspect of America's effort to secure, protect, and advance the cause of freedom and civil rights and have stories that are an inspiration to all citizens, that reflect the triumph of the human spirit and offer the hopes of everyday people to rise above both prejudice and circumstance and to build lives of dignity; and

Whereas, people of African descent or African Americans have made measurable differences in their respective industries, people such as:

- Lucien H. Palmer — Wisconsin's first black legislator, elected in 1906 to the state Assembly;
- Le Roy J. Simmons — Wisconsin's second black legislator, elected in 1944 to the state Assembly;

- George Edwin Taylor — Former Wisconsin resident and African American who ran for the office of President of the United States in 1904, as a candidate of the National Negro Liberty Party;

- James “Jim” Caldwell — Beloit native, NFL coach (Indianapolis Colts from 2009 to 2011 leading the team to the playoffs four times, Detroit Lions 2014-17);

- Dr. Daniel Hale Williams — African American cardiologist that performed the first successful open heart surgery in the world, founded Provident Hospital, the first nonsegregated hospital in the United States, set up the first nursing school for blacks, born a free black person in 1856;

- Violette Neatly Anderson — First black woman to argue a case before the U.S. Supreme Court in 1926;

- Milele Chikasa Anana — Publisher, UMOJA Magazine, a monthly journal of positive, encouraging news about African American people and opportunities in Madison, a civil rights activist, business leader, and former city of Madison affirmative action officer, and the first African American elected to the Madison school board;

- The Oshkosh 94 — November 21, 1968, 94 African American students at the then Wisconsin State University-Oshkosh engaged in dramatic demonstrations directed toward campus administrators when their requests for equal rights on campus were ignored;

- Eric Von — Long serving and influential former voice of black talk radio, journalist and broadcaster for Radio One, WNOV-AM (860), WMCS-AM (1290), and WISN Channel 12, and the founder of the online men's health magazine Brain, Brawn & Body;

- Arthur Jones — Milwaukee's 16th Chief of Police and the first African American to serve in this capacity;

- Reggie Jackson — Head Griot of America's Black Holocaust Museum, historian and researcher on Milwaukee's history of institutional segregation, the effects of systemic racism, and the reality of modern segregation;

- Milele Coggs — Attorney, City of Milwaukee Alderwoman, youngest woman ever elected to Milwaukee's Common Council and the first African American female to ever serve as chair of the powerful Finance and Personnel Committee;

- Colin Kaepernick — Milwaukee native, political activist and NFL quarterback, who formerly played with the San Francisco 49ers, who has sought to raise attention to racial injustice and systemic oppression;

- Gerard Randall — Executive Director of the Milwaukee Education Partnership, former CEO of the Private Industry Council, former member and Vice President of the University of Wisconsin System Board of Regents, and currently board member of Cardinal Stritch University, the Milwaukee Public Museum, the Tommy G. Thompson Center on Public Leadership, VISIT Milwaukee, and the Wisconsin Arts Board;

- Lisa Peyton Caire — Founded The Foundation for Black Women's Wellness, a Wisconsin-based nonprofit organization committed to eliminating health disparities and other barriers impacting the lives of African American women and girls;

- James Causey — Editorial writer, columnist, and reporter for the Milwaukee Journal Sentinel;

- Carolyn Stanford Taylor — Wisconsin's first African American State Superintendent of the Department of Public Instruction;

- Curtiss Harris — Business leadership, served the African American Chamber of Commerce, the Minority Business Opportunity Committee, The Milwaukee Forum, Milwaukee's Minority Business Enterprise Committee, and Milwaukee Black Business;

- Dr. Alex Gee — Pastor, author, pioneered the Nehemiah Center for Urban Leadership Development, developing and mobilizing emerging African American leaders;

- Satchel Paige — First African American pitcher to be inducted into the Baseball Hall of Fame;

- Condoleezza Rice — First and only female National Security Advisor and first African American female Secretary of State;

- Reuben Harpole Jr. — Civil rights activist, community educator, launched the Freedom Schools to keep students of color engaged in education during the boycotts to protest racial segregation in Milwaukee Public Schools;

- Mark Wade Sr. — Business leadership (General Mitchell International Airport concessionaire, All-Star Honda dealership, restaurateur), board chair – African World Festival, philanthropist;

- Chandra Cooper — Founder and CEO of Grateful Girls, a nonprofit that provides services and housing for young women who have been sex-trafficked, business owner of a communications and entertainment company, a childcare center, and a retail store;

- Kevin Newell — CEO of Royal Capital Group, prior roles in public finance led to an allocation of over \$200 million in federal and state resources as the senior underwriter and to the deployment of the largest single allocation of federal tax credits in U.S. history, and in a separate transaction led the deployment of the first pairing of the low-income housing tax credit and new markets tax credit in Wisconsin state's history;

- Rev. Greg Lewis — Chair of Pastors United, a diverse cross section of stakeholders from the faith community, civil rights activist;

- Marques Johnson — Seven-season veteran of the Milwaukee Bucks, five-time NBA All-Star, and whose jersey was recently retired;

- Marcia Anderson — First African American woman to rise to the rank of Major General in the U.S. Army Reserve; and

- Phil Cockroft — Milwaukee Fire Department, heavy equipment operator and emergency medical technician; and

Whereas, while acknowledging the work of these leaders, it is equally critical to appreciate, both past and present, the long list of contributions of our fellow citizens, Black History Month gives Wisconsinites an occasion to recognize the significant influence people of African heritage have made, and continue to make, in the areas of medicine, art, politics, human rights, education, sports, and economic development; now, therefore, be it

Resolved by the assembly, the senate concurring, That the Wisconsin Legislature proclaims February 2019 as Black History Month and extends appreciation to the above-named persons for their contributions to the state of Wisconsin and the country and their fellow citizens.

Senator Fitzgerald moved that Senate Amendment 1 to **Assembly Joint Resolution 8** be laid on the table.

The question was: Tabling of Senate Amendment 1 to **Assembly Joint Resolution 8**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes - Senators Bernier, Cowles, Craig, Darling, Feyen, Fitzgerald, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany and Wanggaard - 19.

Noes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Larson, Miller, Ringhand, Risser, Schachtner, Shilling, Smith, L. Taylor and Wirch - 14.

Absent or not voting – None - 0.

Tabled.

Senator Taylor asked unanimous consent that **Assembly Joint Resolution 8** be referred to the committee on **Senate Organization**.

Senator Fitzgerald objected.

Senator L. Taylor moved that **Assembly Joint Resolution 8** be referred to the committee on **Senate Organization**.

The question was: Shall **Assembly Joint Resolution 8** be referred to the committee on **Senate Organization**?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Larson, Miller, Ringhand, Risser, Schachtner, Shilling, Smith, L. Taylor and Wirch - 14.

Noes - Senators Bernier, Cowles, Craig, Darling, Feyen, Fitzgerald, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany and Wanggaard - 19.

Absent or not voting – None - 0.

Referral refused.

IN THE CHAIR

President Pro Tempore Marklein in the chair.

4:38 P.M.

Senator Erpenbach moved that **Assembly Joint Resolution 8** be laid on the table.

The question was: Tabling of **Assembly Joint Resolution 8**?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Larson, Miller, Ringhand, Risser, Schachtner, Shilling, Smith, L. Taylor and Wirch - 14.

Noes - Senators Bernier, Cowles, Craig, Darling, Feyen, Fitzgerald, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany and Wanggaard - 19.

Absent or not voting - None - 0.

Refused to table.

IN THE CHAIR

Senate President Roth in the chair.

5:21 P.M.

The question was: Concurrence of **Assembly Joint Resolution 8**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes - Senators Bernier, Cowles, Craig, Darling, Feyen, Fitzgerald, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany and Wanggaard - 19.

Noes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Larson, Miller, Ringhand, Risser, Schachtner, Shilling, Smith, L. Taylor and Wirch - 14.

Absent or not voting - None - 0.

Concurred in.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 4

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

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

Assembly Bill 4

Read a third time.

IN THE CHAIR

President Pro Tempore Marklein in the chair.

5:47 P.M.

IN THE CHAIR

Senate President Roth in the chair.

6:33 P.M.

The question was: Concurrence of **Assembly Bill 4**?

The ayes and noes were required and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes - Senators Bernier, Cowles, Craig, Darling, Feyen, Fitzgerald, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany and Wanggaard - 19.

Noes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Larson, Miller, Ringhand, Risser, Schachtner, Shilling, Smith, L. Taylor and Wirch - 14.

Absent or not voting - None - 0.

Concurred in.

Senator Fitzgerald, with unanimous consent, asked that all action be immediately messaged to the Assembly:

**Senate Joint Resolution 6
Assembly Joint Resolution 3
Assembly Joint Resolution 8
Assembly Bill 4**

Messaged.

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Wanggaard, with unanimous consent, asked that the Senate adjourn in honor of fallen Milwaukee police officer, Matthew Rittner. On February 6, Matthew was killed in the line of duty, while serving and protecting the people of his community. Joining the Milwaukee Police Department as a police aide in 2001, Matthew quickly rose through the ranks. He eventually earned the "Public Safety Officer Medal of Valor", the highest award for bravery for law enforcement officers, after courageously helping to free hostages from a gunman. He was also a veteran of the US Marine Corps, serving two tours in the Middle East. Matthew was the perfect example of what it means to be a policeman, heroically guarding the vulnerable people in his community. It is a horrible crime when an officer is shot in the line of duty, but his family and friends should rest easier knowing that keeping people safe was Matthew's passion. As a former law

enforcement office himself, Senator Wanggaard knows he is not alone in saying he feels as though he lost a brother. Police officers keep the public safe and are an irreplaceable part of our community. The effects of the loss of a single officer reverberates throughout the entire community and state. Not only was Matthew courageous, but he was also kind, caring, and decent. Thank you, Matthew Rittner, for your exemplary service and dedication to your community. You made a positive difference for the state of Wisconsin.

Senator Hansen, with unanimous consent, asked that the Senate adjourn in honor of Bryan Rodriguez, a Milwaukee Department of Public Works employee who was killed in a hit and run accident on February 8.

Senator Wirch, with unanimous consent, asked that the Senate adjourn in honor of his nephew, Ben Wirch. Ben swims for Indian Trail High School. He is just about a straight A student, plays in the band, and he qualified for the state championship finals at the Natatorium, so he will be swimming this Saturday. Good luck Ben.

Senator Shilling, with unanimous consent, asked that the Senate adjourn in honor of the Senate Scholars, who have joined us here today.

Senator Tiffany, with unanimous consent, asked that the Senate adjourn in honor of Bill Kelly from Antigo. Yesterday, Bill was honored as a Hometown Hero in the State Assembly for his tireless work for the Salvation Army and his service to our country while stationed in the Philippines and Japan. Bill has worked with the Salvation Army for the past eighteen years. Fifteen years ago, Bill became the head of the bell ringers, bringing in \$12,000. By 2015, they were raising \$100,000 per year for the community. There is no doubt that Bill has made a big difference for Antigo. Senator Tiffany wants to commend Bill for his service to the community and our country. He is an inspiration to us all, and he is proud to honor him today.

Senator Schachtner, with unanimous consent, asked that the Senate adjourn in honor of Lacy Ann Moreno, a St. Croix County dispatcher, who last week answered a 911 call from a woman who was short of breath and was in the midst of having a heart attack. Lacy Ann talked to her, comforted her, and she prayed with her. The woman, who was Senator Schachtner's mother in law, passed away.

Senator L. Taylor, with unanimous consent, asked that the Senate adjourn in honor of Matthew Rittner and his wife and son, as they grow through this unimaginable time.

Senator L. Taylor, with unanimous consent, asked that the Senate adjourn in honor of Harvey Scales, who recently passed away. Harvey was an American R&B singer, songwriter, and producer who was born in Osceola, Arkansas, and grew up in Milwaukee, where he attended Roosevelt Middle School and North Division High School. He was known as "Twistin' Harvey", in the early 1960s. Scales had been active in the music industry since the 1960s, and composed songs for groups such as The Dells, The Dramatics, and The O'Jays. He is particularly notable for his co-authorship of the songs "Love-Itis" and "Disco Lady."

Once called Milwaukee's "Godfather of Soul" by a local reporter, Scales credited James Brown and the sound of "funk" for influencing his music career. In 1961, he formed the group Harvey Scales and the Seven Sounds, which released several singles. Harvey Scales and the Seven Sounds initially recorded for Cuca Records, and later for Magic Touch Records, a Wisconsin-based label owned by Lenny LaCour. The band's one hit was "Get Down", backed with "Love-Itis", which reached No. 32 on the R&B charts in 1967. Scales followed the career of Johnnie Taylor when Taylor moved to Columbia Records. Scales received national recognition for co-writing the *Billboard* Hot 100 chart-topping single for Johnnie Taylor, "Disco Lady". "Disco Lady" was the very first platinum single in the history of the Recording Industry Association of America, selling over two million copies. It was certified platinum on April 22, 1976. As a result, Scales is the first songwriter of a platinum single in America. Scales also co-wrote, with Bunny Sigler, "Once is Not Enough", recorded by the O'Jays and, as sole composer, "Be For Real With Me", which was recorded by The Dells. In 2009, a compilation album of material by Harvey Scales and the Seven Sounds, recorded for Magic Touch Records, was released by Soul-Tay-Shus Records as *Love-Itis: All the Rare & Unreissued 45's from the Vaults of Magic Touch: 1967-1977*. Harvey Scales died on February 11, 2019 in Milwaukee. Wisconsin has lost a legend in the music industry.

Senator Taylor, with unanimous consent, asked that the Senate adjourn in honor of the people that are doing the work on the streets in Milwaukee and Bryan Rodriguez and his family.

Senator Johnson, with unanimous consent, asked that the Senate adjourn in honor of the people of Milwaukee. Milwaukee is known often for the less than two percent of the individuals who make the news for deaths, like Officer Matthew Rittner. Milwaukee has been hit really hard these past few weeks. Bryan Rodriguez was another loss. The strength and the love of Milwaukee residents, the way that they have come together, to support these families through fundraisers and things to help support these families is incredible.

Senator Smith, with unanimous consent, asked that the Senate adjourn in honor of Dennis Beale, for his resiliency to overcome adverse situations, advocacy for students of color, and all he has done for students at the University of Wisconsin-Eau Claire. Dennis grew up in a low-income, single parent household in Chicago. He attended UW-Eau Claire as a first generation college student. When he first started college, he was one of the only African Americans on campus. Dennis was determined to make Eau Claire more inclusive and diverse. Dennis received a Bachelor's Degree in Sociology and a Master's Degree in Higher Education and Professional Development from UW-Eau Claire. As a graduate student, Dennis assisted with recruiting efforts at high schools in major cities such as his hometown of Chicago, Milwaukee, and the Twin Cities to bring students of color to campus. He then supported their success by creating mentorship programs, which included the

University's Black Male Empowerment group, He has mentored hundreds of students and continues doing so in his current role as Assistant Director of Blugold Beginnings, a program that serves low-income, underrepresented, and first generation college students. Last week, Dennis received a UW System Board of Regents' 2019 Diversity Ward for all of this hard work. Senator Smith would like to congratulate Dennis Beale for making his their district a better place. It takes people like Dennis to enrich Wisconsin's black history and move our state forward.

ADJOURNMENT

Senator Fitzgerald, with unanimous consent, asked that the Senate stand adjourned pursuant to **Senate Joint Resolution 1**.

Adjourned.

7:19 P.M.