

STATE OF WISCONSIN Assembly Journal

One-Hundred and Fifth Regular Session

FRIDAY, April 23, 2021

The Chief Clerk makes the following entries under the above date:

SPEAKER'S COMMUNICATIONS

April 20, 2021

Edward A. Blazel Assembly Chief Clerk 17 West Main Street, Suite 401 Madison, WI 53703

Dear Chief Clerk Blazel:

As the Speaker of the Wisconsin State Assembly, I would like to request the delivery of enrolled bills to Governor Tony Evers' office. Pursuant to Assembly Rule 23 (4), the speaker can call for the delivery of legislation that was approved in both chambers and originated in the Assembly.

The following bills are to be hand delivered to the Governor's office immediately after the cover sheets of the bills are signed by legislative leaders: Assembly Bill 23, Assembly Bill 24, Assembly Bill 232, Assembly Bill 233, Assembly Bill 234, Assembly Bill 235, Assembly Bill 236, Assembly Bill 237, Assembly Bill 238, Assembly Bill 239, Assembly Bill 240, Assembly Bill 241, and Assembly Bill 243.

The bills reflect the consensus of the representatives and senators of the state of Wisconsin. Thank you for delivering the pieces of legislation in a prompt manner.

> Sincerely, *ROBIN J. VOS* Assembly Speaker

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 23 Assembly Bill 24 Assembly Bill 232 Assembly Bill 233 Assembly Bill 234 Assembly Bill 235 Assembly Bill 236 Assembly Bill 237 Assembly Bill 238 Assembly Bill 239 Assembly Bill 240 Assembly Bill 241 Assembly Bill 243

Presented to the Governor on Wednesday, April 21, pursuant to Assembly Rule 23 (4).

EDWARD A. BLAZEL Assembly Chief Clerk

GOVERNOR'S VETO MESSAGE

April 22, 2021

To the Honorable Members of the Assembly:

The following bills, originating in the Assembly, have been vetoed in their entirety, and were returned to their house of origin, together with the objections in writing:

Bill Number	Date of Veto
Assembly Bill 232	April 22, 2021
Assembly Bill 233	April 22, 2021
Assembly Bill 234	April 22, 2021
Assembly Bill 235	April 22, 2021
Assembly Bill 236	April 22, 2021
Assembly Bill 237	April 22, 2021
Assembly Bill 238	April 22, 2021
Assembly Bill 239	April 22, 2021
Assembly Bill 240	April 22, 2021
Assembly Bill 241	April 22, 2021
Assembly Bill 243	April 22, 2021

I am vetoing Assembly Bill 232 in its entirety.

This bill directs the Department of Revenue to coordinate with counties and municipalities to provide payments from the state's allocation of the American Rescue Plan Act of 2021 (ARPA) to property taxpayers equal to approximately 10 percent of the amount of the net property taxes levied on each taxpayer's real property in 2020. The bill requires the Governor to allocate \$1,067,824,380 from the state allocation of the American Rescue Plan Act for these payments and an additional \$20,000,000 for administrative costs incurred by the Department of Revenue and local governments.

While I am interested in opportunities to provide meaningful property tax relief to Wisconsinites across our state, I am vetoing this bill for several reasons.

First, I object because the use of ARPA funds for the type of property tax relief proposed in this bill is almost certainly prohibited under the language of Section 9901 of ARPA, which specifies that federal funds allocated to a state under ARPA cannot be used to directly or indirectly offset any tax. This bill effectively creates a tax rebate, which is expressly prohibited under Section 9901. While the federal government has not issued final guidance regarding the prohibition of such tax relief payments, the plain language of ARPA prohibits the payments outlined in AB 232. If this bill is enacted and the funds spent as directed, the state may be required to repay over \$1 billion to the federal government.

Second, I object to the bill because it is poorly targeted. This bill disburses federal APRA funds as a 10 percent tax rebate to all property owners. It makes no payments to renters and makes no effort to link payments to impacts of the pandemic.

Third, I object to the bill because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020.

In lieu of this bill, I will continue to utilize the authority provided to the Governor to oversee use of federal funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law. Using this authority, I have already announced my plans to invest the new federal funds under ARPA to various economic recovery and wellbeing, infrastructure, and pandemic response initiatives.

I am vetoing Assembly Bill 233 in its entirety.

This bill requires the Governor to allocate \$200 million of federal funds received under the American Rescue Plan Act of 2021 (ARPA) for the purpose of providing grants to qualifying businesses. Qualifying businesses under the bill are those which hold a valid business tax registration certificate, had total annual sales of less than \$7 million, suffered economic damage resulting from the COVID-19 global pandemic, is not on the list of the Department of Revenue's list of delinquent taxpayers and it is not on the Department of Transportation's list of debarred contractors. The bill specifies that before the department may accept applications for grants under the program, the department must submit a plan for the implementation of the program to the Joint Committee on Finance. The cochairs of the Joint Committee on Finance may then either direct the department to implement the plan or call a meeting of the full committee within 14 days of the plan's receipt to either approve the plan or modify the plan.

I object to this bill and am vetoing it because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020. Using this authority, I have already announced my intent to direct \$600 million of the new federal funds under ARPA to provide additional assistance to small business, and this bill would set up an additional process that would slow down the ability to get a smaller amount of help to Wisconsin small businesses.

I am vetoing Assembly Bill 234 in its entirety.

This bill requires the Department of Tourism to award \$50 million in grants from funds allocated to the state under the federal American Rescue Plan Act (ARPA) of 2021. Grants would be for nonprofit organizations that promote and develop tourism in the state, and would support the ability of these organizations to remain operational after COVID-19 pandemic challenges. This bill also requires the department to award \$25 million in grants from ARPA to organizations that own or operate amusement and theme parks to aid in their recovery from the COVID-19 pandemic.

I object to the bill and am vetoing it because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020.

In lieu of this bill, I will continue to utilize the authority provided to the Governor to oversee use of federal funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law. Using this authority, I have already announced my intent to direct \$50 million of the new federal funds under ARPA to provide additional assistance to the tourism industry.

I am vetoing Assembly Bill 235 in its entirety.

This bill requires the Governor to allocate \$100,000,000 of funds under the American Rescue Plan Act of 2021 (ARPA) for the Wisconsin Economic Development Corporation (WEDC) and Department of Revenue (DOR) for rural economic development and farm support programs. I welcome support for our farmers, agricultural industries, and rural communities, which is why I previously called a special session of the Wisconsin State Legislature to address the pressing issues facing our state and to bolster rural prosperity. Unfortunately, none of those proposals ever reached my desk last session. The \$100,000,000 would be divided between \$50,000,000 to WEDC for various rural economic development programs, including entrepreneurial start-up efforts in rural counties, and \$50,000,000 for farm support grants administered by DOR in consultation with the Department of Agriculture, Trade and Consumer Protection.

I object to this bill and am vetoing it because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020.

In lieu of this bill, I will continue to utilize the authority provided to the Governor under Section 16.54 of the Wisconsin Statutes to oversee use of federal funds and will allocate these funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law. Using this authority, I have announced that I will use ARPA funds to advance several economic assistance programs, including \$600 million in assistance to small businesses, which will benefit all regions of the state, including our rural communities and areas.

Further, I look forward to working with the Legislature to pass my budget proposal, which includes several initiatives which build on the proposals from my previously called special session as well as proposals supported by my Blue Ribbon Commission on Rural Prosperity.

I am vetoing Assembly Bill 236 in its entirety.

This bill requires the Governor to direct \$150 million from the moneys received under the federal American Rescue Plan Act of 2021 (ARPA) for the Department of Health Services to distribute to nursing homes and assisted living facilities that apply for a onetime payment. To receive a payment, the nursing home or assisted living facility must ensure that no less than 50 percent of the payment provides bonuses to employees subject to limitations that ARPA has on payments to individuals. Further, payments to nursing homes and assisted living facilities may be used for purposes including capital projects and for assisting with integration into the statewide health information exchange system.

I object to this bill and am vetoing it because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020.

In lieu of this bill, I will continue to utilize the authority provided to the Governor under Section 16.54 of the Wisconsin Statutes to oversee use of federal funds and will allocate these funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law.

I am vetoing Assembly Bill 237 in its entirety.

This bill requires the Governor to deposit federal funding allocated through the American Recovery Plan Act (ARPA) of 2021 into the unemployment insurance trust fund to maintain the lowest unemployment insurance tax rate schedule, as set forth in Wis. Stat. s. 108.18(3m)(d), in effect through the end of calendar year 2023.

I am vetoing this bill due to several objections. First, the use of ARPA funds outlined by this bill may be prohibited under the language of Section 9901 of the American Rescue Plan Act of 2021, which specifies that federal funds allocated to a state under ARPA cannot be used to directly or indirectly offset or reduce currently imposed taxes through a change in state law or regulations. While the federal government has not issued final guidance regarding this prohibition, implementing Assembly Bill 237 when it could be in violation of federal law may result in Wisconsin having to repay significant amounts of money to the federal government, and would unnecessarily jeopardize current or future federal funding for Wisconsin.

Second, I object to the bill's proposed limitations on the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020.

In lieu of this bill, I will continue to utilize the authority provided to the Governor to oversee use of federal funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law.

I am vetoing Assembly Bill 238 in its entirety.

This bill requires the Governor to allocate \$308,519,800 of federal funds awarded to Wisconsin from the American Rescue Plan Act of 2021 (ARPA) to counties and municipalities for local road projects.

I object to this bill and am vetoing it because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020.

Further, I am vetoing this bill because it is imprudent to restrict the use of funds to a purpose that may not comply with federal law. Specifically, the bill's use of ARPA funds is not expressly authorized under ARPA and may, at best, be only a partially authorized use. While final guidance by the federal government has not yet been issued on the use of these funds, the bill's allocation of more than \$300 million to uses that could be entirely or partially prohibited by the federal government means that the state may end up having to repay some portion of the bill's expenditures to the federal government. This is an unnecessary risk. In lieu of this bill, I will continue to utilize the authority provided to the Governor under Section 16.54 of the Wisconsin Statutes to oversee use of federal funds and will allocate these funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law.

I am vetoing Assembly Bill 239 in its entirety.

This bill requires the Governor to allocate \$500,000,000 of the federal funds received by the state under the American Rescue Plan Act of 2021 (ARPA) to provide broadband expansion grants administered by the Public Service Commission (PSC). Under the bill, the commission would be required to award \$125,000,000 annually each calendar year between 2021 and 2024. The bill would also require the PSC to submit an annual report to the Joint Committee on Finance no later than the September 1, following the completion of the fiscal year, that details the criteria used for evaluating and awarding grant applications, the recipients of the grants, and the commission's evaluation of the applications of grant recipients for grants awarded in the preceding fiscal year. I am vetoing this bill because I have several objections.

I object to the bill and am vetoing it because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020.

In lieu of this bill, I will continue to utilize the authority provided to the Governor under Section 16.54 of the Wisconsin Statutes to oversee use of federal funds and will allocate these funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law. Using this authority, I have already announced my intent to direct a significant amount of the new federal funds under ARPA to provide for broadband expansion.

I am however pleased to see that the Legislature agrees with my call for robust investment in broadband expansion which I included in both my proposed 2021-23 biennial budget and in my announced plans for ARPA funds. I look forward to working with the Legislature to enact my proposed initiatives for broadband expansion and affordability in the biennial budget.

I am vetoing Assembly Bill 240 in its entirety.

This bill, as amended, clarifies the Department of Military Affairs' statutory responsibilities relating to the statewide interoperable communications system and allocates federal American Rescue Plan Act of 2021 (ARPA) funds to develop the system. The bill also allocates ARPA funds to Next Generation 9-1-1 to develop an emergency services Internet Protocol and a geographic information systems database and provides funding to a hospital in Eau Claire to expand the number of psychiatric beds. I am vetoing this bill because I have several objections.

I object because allocating funds as directed under this bill is not expressly authorized under ARPA and it may not be an allowable use of this federal funding. While final guidance by the federal government has not yet been issued on the use of these funds, the bill's allocation to uses that may be entirely or partially prohibited by the federal government means that the state could end up having to repay some portion of the bill's expenditures to the federal government. This is an unnecessary risk.

I also object to the bill because it limits the ability to use federal recovery funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020.

In lieu of this bill, I will continue to utilize the authority provided to the Governor under Section 16.54 of the Wisconsin Statutes to oversee the use of federal funds, and I will allocate these funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law.

I am vetoing Assembly Bill 241 in its entirety.

This bill requires the Governor to use \$500,000,000 of federal funds from the state allocation of the American Rescue Plan Act of 2021 (ARPA) to pay down \$250,000,000 in transportation revenue bond debt and \$250,000,000 in general obligation debt or, if these uses not allowed by the American Rescue Plan Act, to pay for \$500,000,000 in building commission approved capital projects in lieu of bonding.

I object to this bill and am vetoing it because none of the uses for the ARPA funds outlined in this bill are expressly authorized under ARPA. While final guidance by the federal government has not yet been issued on the use of the funds, the bill's allocation of \$500,000,000 to uses that could be prohibited or partially prohibited by the federal government means that the state may end up having to repay some, or possibly a large, portion of this \$500,000,000 to the federal government. This is an unnecessary risk.

I also object to the bill because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by the recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020. In lieu of this bill, I will continue to utilize the authority provided to the Governor under Section 16.54 of the Wisconsin Statutes to oversee use of federal funds and will allocate these funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law.

I am vetoing Assembly Bill 243 in its entirety.

This bill requires the Governor to allocate \$40,000,000 of the federal funds received by the state under the American Rescue Plan Act of 2021 (ARPA) to provide forgivable loans to municipalities under the safe drinking water loan program. Those forgivable loans could cover up to 50 percent of the costs of lead service line replacement on private property or be used to provide grants to private users of public water systems to cover up to 50 percent of the costs of lead service line replacement on private property. The bill would also:

- Require the Governor to allocate \$12,000,000 of the federal funds received by the state under ARPA for grants under the urban nonpoint source water pollution abatement and storm water management program.
- Require the Governor to allocate \$6,500,000 of the federal funds received by the state under ARPA for nonpoint pollution abatement under the targeted management runoff program.
- Require the Governor to allocate \$2,000,000 of the federal funds received by the state under ARPA to provide grants for the replacement or remediation of private wells under the well compensation grant program.
- Require the Governor to allocate \$500,000 of the federal funds received by the state under ARPA to establish a grant program to counties for well testing and public education about water quality. The grants could either fund up to \$10,000 per county to test and map privately owned wells or up to \$2,500 per county to provide information to well owners and the general public about the results of a well testing and mapping effort. Counties would have to provide matching funds and report the results of any testing to the University of Wisconsin-Stevens Point Center for Watershed Science and Education.

I object to this bill and am vetoing it because it limits the ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the COVID-19 global pandemic and respond to Wisconsin's changing needs over the course of the pandemic and our recovery. In Wisconsin, the role of the Governor to oversee use of federal funds under s. 16.54, Wisconsin Statutes is clearly established and has been in place for decades, a fact that was confirmed by legislative leadership in a letter they sent to me in April 2020. Using this authority, I have already announced my plans to invest the new federal funds under ARPA to various economic recovery and well-being, infrastructure, and pandemic response initiatives. I will continue to utilize the authority provided to the Governor to oversee use of federal funds in a manner that is transparent and consistent with both Wisconsin's needs and federal law. At the same time, I am however pleased to see that the Legislature has adopted many of the environmental protection and pollution remediation provisions that were included in my proposed 2021-23 biennial budget, even if I disagree with the source of the funding that the Legislature has selected in this particular bill. I look forward to working with the Legislature to include many of these items in the upcoming biennial budget.

April 23, 2021

To the Honorable Members of the Assembly:

The following bills, originating in the Assembly, have been vetoed in their entirety, and were returned to their house of origin, together with the objections in writing:

Bill Number	Date of Veto
Assembly Bill 23	April 23, 2021
Assembly Bill 24	April 23, 2021

I am vetoing Assembly Bill 23 in its entirety.

This bill, as amended, would prohibit the Department of Health Services from requiring individuals to receive a vaccine against the SARS-CoV-2 coronavirus and any variant or mutation of the SARSCoV-2 coronavirus. The bill would also prohibit local health officers from requiring individuals to receive a vaccine against the SARS-CoV-2 coronavirus and any variant or mutation of the SARSCoV-2 coronavirus.

I am vetoing this bill in its entirety because I object to the provisions of the bill that would take away existing took available to state and local public health officials during a declared public health emergency. As I said in my **Assembly Bill 1** veto message and will reiterate again today, our response to this pandemic should be about following the science and public health experts and working together to save as many lives as we can, not finding ways to make it harder to fight this virus or keep Wisconsinites safe.

I remain committed to doing everything I can to keep Wisconsinites healthy and safe, following the science and advice of public health experts, and putting people first.

I am vetoing Assembly Bill 24 in its entirety.

This bill, as amended, would prohibit local health officers from taking any action to close or forbid gatherings in places of worship to control outbreaks and epidemics of the 2019 novel coronavirus or any variant or virus derived as a mutation of the 2019 novel coronavirus. The bill would also specify that the statutory language shall not be construed to confer any authority on a local health officer to close or restrict capacity in places of worship or any other entities.

I am vetoing this bill in its entirety because I object to the provisions of the bill that would take away existing took available to state and local public health officials to prevent and suppress COVID-19. As I said in my **Assembly Bill 1** veto message, our response to this pandemic should be about following the science and public health experts, not finding ways to make it harder to fight it. It should be about working together to save as many lives as we can.

I remain committed to doing everything I can to keep Wisconsinites healthy and safe, following the science and advice of public health experts, and putting people first.

> Respectfully submitted, TONY EVERS Governor

COMMUNICATIONS

April 21, 2021

Edward A. Blazel Assembly Chief Clerk 17 West Main Street, Suite 401 Madison, WI 53703

Dear Chief Clerk Blazel:

Please add my name as a co-author of Assembly Bill 264, relating to compensation of election officials performing duties during a recount.

Sincerely, CHUCK WICHGERS State Representative 83rd Assembly District

April 21, 2021

Edward A. Blazel Assembly Chief Clerk 17 West Main Street, Suite 401 Madison, WI 53703

Dear Chief Clerk Blazel:

Please add my name as a co-author of Assembly Bill 160, relating to transportation to a private school during the 2020-21 school year for pupils who reside in a first class city school district.

Sincerely, BARBARA DITTRICH State Representative 38th Assembly District

April 22, 2021

Edward A. Blazel Assembly Chief Clerk 17 West Main Street, Suite 401 Madison, WI 53703

Dear Chief Clerk Blazel:

Please add my name as a co-author of Assembly Joint Resolution 39, relating to proclaiming May 14, 15, and 16, 2021, Syttende Mai Weekend.

Please add my name as a co-author of Assembly Joint Resolution 43, relating to dedicating the second week of April to Black maternal health, formally known as Black Maternal Health Week, to acknowledge racial disparities among Black mothers and infants.

Please add my name as a co-author of Assembly Bill 137, relating to prohibiting no-knock search warrants and limiting the execution of a search warrant to the hours between 6 a.m. and 10 p.m.

Sincerely, MARK SPREITZER State Representative 45th Assembly District

April 23, 2021

Edward A. Blazel Assembly Chief Clerk 17 West Main Street, Suite 401 Madison, WI 53703

Dear Chief Clerk Blazel:

Please add my name as a co-author of Assembly Bill 193, relating to grants to prevent suicide by firearm and making an appropriation.

Sincerely, TONY KURTZ State Representative 50th Assembly District

April 23, 2021

Edward A. Blazel Assembly Chief Clerk 17 West Main Street, Suite 401 Madison, WI 53703

Dear Chief Clerk Blazel:

Please add my name as a co-author of Assembly Bill 108, relating to law enforcement agency policies on the use of force.

Please add my name as a co-author of Assembly Bill 109, relating to reporting of law enforcement use of force incidents.

Please add my name as a co-author of Assembly Bill 110, relating to public access to policies regarding the use of force by law enforcement.

Please add my name as a co-author of Assembly Bill 193, relating to grants to prevent suicide by firearm and making an appropriation.

Sincerely, *KRISTINA SHELTON* State Representative 90th Assembly District