

# STATE OF WISCONSIN

# Assembly Journal

# One-Hundred and Fifth Regular Session

FRIDAY, April 8, 2022

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

#### ADMINISTRATIVE RULES

# Assembly Clearinghouse Rule 21-102

Relating to specific learning disability evaluations in homeschool and private school settings.

No action taken by committee on **Education** on April 5, 2022.

To joint committee for review of **Administrative Rules** pursuant to s. 227.19 (5) (a), Wisconsin Statutes.

Referred on April 7, 2022.

# **EXECUTIVE COMMUNICATIONS**

State of Wisconsin
Office of the Governor
Madison

April 8, 2022

To the Honorable Members of the Assembly:

The following bills, originating in the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

D'ILM I	A . NT 1	D ( ) 1
Bill Number	Act Number	Date Approved
Assembly Bill 337		
Assembly Bill 420		
Assembly Bill 578	220	April 8, 2022
Assembly Bill 607		
Assembly Bill 686	222	April 8, 2022
Assembly Bill 727		
Assembly Bill 759		
Assembly Bill 765		
Assembly Bill 820		
Assembly Bill 842		
Assembly Bill 874		
Assembly Bill 887		
Assembly Bill 909		
Assembly Bill 910	231	April 8, 2022
Assembly Bill 911	232	April 8, 2022
Assembly Bill 914		
Assembly Bill 943	234	April 8, 2022
Assembly Bill 953		
Assembly Bill 975		
Assembly Bill 994		
Assembly Bill 1020		
Assembly Bill 1021		

Assembly Bill 1022	240	April 8, 2022
Assembly Bill 1023	241	April 8, 2022
Assembly Bill 1024	242	April 8, 2022
Assembly Bill 1025	243	April 8, 2022
Assembly Bill 1026	244	April 8, 2022
Assembly Bill 1027		
Assembly Bill 1028		
Assembly Bill 1029	247	April 8, 2022
Assembly Bill 1030	248	April 8, 2022
Assembly Bill 1031	249	April 8, 2022
Assembly Bill 1032	250	April 8, 2022

Respectfully submitted, TONY EVERS Governor

Pursuant to s. 35.095 (1)(b), Wisconsin Statutes, the following 2021 Acts have been published:

Act Number	Bill Number	Publication Date
Wisconsin Act 218.	Assembly Bill 337	April 9, 2022
	Assembly Bill 420	
Wisconsin Act 220.	Assembly Bill 578	April 9, 2022
Wisconsin Act 221.	Assembly Bill 607	April 9, 2022
	Assembly Bill 686	
	Assembly Bill 727	
	Assembly Bill 759	
	Assembly Bill 765	
	Assembly Bill 820	
	Assembly Bill 842	
	Assembly Bill 874	
	Assembly Bill 887	
	Assembly Bill 909	
	Assembly Bill 910	
	Assembly Bill 911	
	Assembly Bill 914	
	Assembly Bill 943	
	Assembly Bill 953	
	Assembly Bill 975	
	Assembly Bill 994	
	Assembly Bill 1020	
	Assembly Bill 1021	
	Assembly Bill 1022	
	Assembly Bill 1023	
	Assembly Bill 1024	
	Assembly Bill 1025	
	Assembly Bill 1026	
	Assembly Bill 1027	
	Assembly Bill 1028	
Wisconsin Act 247.	Assembly Bill 1029	April 9, 2022

Wisconsin Act 248Assembly	Bill	1030	April	9,	2022
Wisconsin Act 249 Assembly	Bill	1031	April	9,	2022
Wisconsin Act 250 Assembly	Bill	1032	April	9,	2022

# GOVERNOR'S VETO MESSAGE

April 8, 2022

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 122	April 8, 2022
Assembly Bill 152	April 8, 2022
Assembly Bill 414	April 8, 2022
Assembly Bill 446	April 8, 2022
Assembly Bill 495	April 8, 2022
Assembly Bill 518	April 8, 2022
Assembly Bill 569	April 8, 2022
Assembly Bill 597	April 8, 2022
Assembly Bill 643	April 8, 2022
Assembly Bill 675	April 8, 2022
Assembly Bill 776	April 8, 2022
Assembly Bill 777	April 8, 2022
Assembly Bill 824	April 8, 2022
Assembly Bill 827	April 8, 2022
Assembly Bill 828	April 8, 2022
Assembly Bill 829	April 8, 2022
Assembly Bill 831	April 8, 2022
Assembly Bill 832	April 8, 2022
Assembly Bill 834	April 8, 2022
Assembly Bill 836	April 8, 2022
Assembly Bill 884	April 8, 2022
Assembly Bill 885	April 8, 2022
Assembly Bill 888	April 8, 2022
Assembly Bill 903	April 8, 2022
Assembly Bill 912	April 8, 2022
Assembly Bill 932	April 8, 2022
Assembly Bill 940	April 8, 2022
Assembly Bill 941	April 8, 2022
Assembly Bill 962	April 8, 2022
Assembly Bill 965	April 8, 2022
Assembly Bill 967	April 8, 2022
Assembly Bill 968	April 8, 2022
Assembly Bill 984	April 8, 2022
Assembly Bill 995	April 8, 2022

#### I am vetoing Assembly Bill 122 in its entirety.

This bill permits and defines a "micro education pod" as an educational program between two and ten family units and up to 20 children in a single location with a designated administrator. The ability to use micro education pods would sunset after the 2023-2024 school year.

I am vetoing this bill in its entirety because I object to creating an entirely new type of largely unregulated educational structure. The bill would functionally create a new class of small private entities that would operate outside

of the current laws applying to private schools and homeschooling, such as those relating to special education, employment, building codes, teacher licensing, and health and safety standards. Micro education pods would operate as mostly unregulated, small private schools with some components of homeschooling. More broadly, this bill is part of a series of efforts by this Legislature to politicize our schools and our education system while refusing to make meaningful, necessary investments in our kids and our schools. I welcome the opportunity to work together with the Legislature to do what's best for our kids.

# I am vetoing Assembly Bill 152 in its entirety.

This bill creates an exemption from the Wisconsin Department of Safety and Professional Service's examination requirement for certain building and plumbing plans and modifies other aspects of the building plan review process.

I am vetoing this bill in its entirety because I object to passing unnecessary legislation that could ultimately compromise safety by undermining the department's current process, which helps ensure public health and safety standards are met. Moreover, my administration has already successfully addressed the problem this bill seeks to solve. Three years ago, building and plumbing plan review times were taking much too long and negatively impacting building constructions and renovations. As a result, my administration, and specifically the department's secretary, took the initiative to find a way to reduce plan review time and successfully did so. Since taking these steps, plan review time has been reduced by about half; from 10 to 12 weeks to four to six weeks, on average. In fact, in 2020, most plan reviews were completed in three to five weeks. Therefore, what this legislation intends to do has already been accomplished without compromising safety.

# I am vetoing Assembly Bill 414 in its entirety.

The bill would require the Departments of Revenue and Administration, respectively, to potentially withhold state funding from any local or state government agency if that agency requires employees to attend training relating to any number of concepts prescribed in the bill.

I am vetoing the bill in its entirety because I object to the Legislature attempting to infringe upon the executive branch of state government, especially under cover of politically motivated claims and erroneous assumptions for which the Legislature has no meaningful basis.

# I am vetoing Assembly Bill 446 in its entirety.

The bill would mandate school boards and independent charter schools to assess the early literacy skill of pupils in four-year-old kindergarten to second grade using screening assessments throughout the year and to create a personal reading plan for each pupil in five-year-old kindergarten to second grade who is identified as at-risk. It would also require the Department of Public Instruction (DPI) to establish and maintain lists of approved fundamental skills screening assessments, universal screening assessments, and diagnostic assessments on its Internet site based on alignment

with model academic standards in reading and language arts, and a mandatory minimum sensitivity rate and specificity rate. Further, this bill would mandate a school board, for each school and district, or operator of an independent charter, to annually submit a report to DPI regarding the number of pupils identified as at-risk, the names of reading assessments used, and the number of pupils in five-year-old kindergarten to second grade who receive literacy interventions, all information which the department would then annually compile and report to the Legislature. The amended bill requires the use of at least \$5,000,0000 in one-time American Rescue Plan Act of 2021 federal funding to implement its new mandates for screenings and interventions or to address staffing or other resource needs necessary for implementation.

When I vetoed the Senate version of this bill, SB 454, I raised concerns about the need for long-term sustainable funding. Wisconsin is projected to have a \$3.8 billion surplus at the end of the 2021-23 biennium—nearly \$2.9 billion more than was expected in June 2021—while the state's 'rainy day' fund now sits at the highest level in state history. Instead of amending the bill to utilize state dollars and ensure ongoing funding, the bill was amended to require the use of already allocated one-time federal funds. I am vetoing this bill in its entirety because I continue to object to overhauling Wisconsin's reading readiness system for assessment and intervention without evidence that the proposed approach is best suited to our students, without long-term, sustainable funding.

As I stated previously, we need to address reading proficiency and increase literacy success in our schook, particularly after the challenges our kids, parents, and schook faced during the pandemic. A bill that will ultimately lead to reducing valuable instruction time and asks schools to rely on one-time money for long-term expenses fails to provide the necessary and meaningful investments our kids and our schools deserve.

As I advocated for as Superintendent of Public Instruction, and have proposed as Governor is that we need to provide the necessary funding to support the work of our educators, administrators, and staff currently doing the work with our kids to ensure reading and literacy success.

### I am vetoing Assembly Bill 495 in its entirety.

This bill would weaken current conceal carry weapon license regulations establishing gun-free school zones by allowing, under certain circumstances, a concealed carry weapon licensee to possess a loaded firearm on school grounds.

I am vetoing this bill in its entirety because I object to creating another exception to the gun-free school zone law. Wisconsin's gun-free school zone law passed with strong bipartisan support and was signed into law by Governor Thompson in 1991. Wisconsinites desperately want their elected leaders to take action to find common-sense solutions that both respect and uphold rights and ensure our schook, our streets, and our communities are safe. To that end, I have been proud to invest more than \$100 million into violence

and crime prevention and efforts to support local and tribal public safety agencies.

By contrast, this bill neither improves public safety nor addresses gun violence in our state by allowing for an increased presence of firearms—including loaded firearms—on school grounds. This could only further endanger our kids and make our schools less safe.

#### I am vetoing Assembly Bill 518 in its entirety.

This bill would expand conceal carry reciprocity by allowing an out-of-state resident with authorization is sued by any other state to carry a concealed weapon in Wisconsin. Currently, the Wisconsin Department of Justice maintains a reciprocity list that outlines those states whose permits are honored in Wisconsin. Other states' permits are only honored if they require as part of the license, or designate that the holder chose to submit to, a background search comparable to the type of background check required for Wisconsin licenses. This bill removes the requirement that the issuing state is on this list.

I am vetoing this bill in its entirety because I object to letting non-residents carry concealed weapons in our state without having met the same criteria as Wisconsinites. The department's background check process serves a critical public safety function. This bill would risk public safety by allowing out-of-state residents to enter our state, carry concealed weapons, and avoid the same background check process that a Wisconsin licensee must undergo.

# I am vetoing Assembly Bill 569 in its entirety.

This bill would require the Wisconsin Department of Corrections to reimburse local units of government for law enforcement investigative services provided for incidents involving persons in the care of the department. The legislature voted to remove the funding necessary to support this legislation before sending it to my desk.

I support reimbursing local units of government for law enforcement investigative services. That is why I included language in my 2021-23 executive budget to reimburse local units of government for law enforcement investigative services and provided funding to make such reimburs ements. That budget provision was rejected by the Legislature's Joint Committee on Finance on a party-line vote. My administration's support is also among the reasons why the Department of Corrections originally provided written testimony in support of this bill.

Unfortunately, an amendment during the legislative process removed the funding behind this proposal. I am vetoing this bill in its entirety because I object to the Legislature's failure to provide the necessary resources for implementation, creating an unfunded mandate, when the state has ample resources available to support this effort.

# I am vetoing Assembly Bill 597 in its entirety.

This bill would allow an individual licensed to carry a concealed weapon to possess a firearm in a place of worship that is located on the same grounds as a private school.

I am vetoing this bill in its entirety because I object to creating another exception to the gun-free school zone law. Wisconsin's gun-free school zone law passed with strong bipartisan support and was signed into law by Governor Thompson in 1991. Wisconsinites desperately want their elected leaders to take action to find common-sense solutions that both respect and uphold rights and ensure our schook, our streets, and our communities are safe. To that end, I have been proud to invest more than \$100 million into violence and crime prevention and efforts to support local and tribal public safety agencies.

By contrast, this bill neither improves public safety nor addresses gun violence in our state by allowing for an increased presence of firearms—including loaded firearms—on school grounds. This could only further endanger our kids and make our schools less safe.

### I am vetoing Assembly Bill 643 in its entirety.

This bill would specify that a Department of Administration construction project selection committee may not refuse an architect or engineer for a construction project costing less than \$7,400,000 simply because the architect or engineer operates a firm with only one architect or engineer.

I am vetoing this bill in its entirety because I object to removing requirements designed to protect the state, and in turn, its taxpayers. It is prudent for the state to require that firms wishing to complete large and expensive building projects have a second architect or engineer in the event that the first architect is ill, injured, or otherwise unable to complete the project on time. The state has an obligation to protect taxpayer dollars, especially when it comes to multimillion-dollar building projects; it is therefore reasonable to require that if a firm wishes to take part in a building project for the state, the firm must either have a second architect or engineer, as the project warrants, or partner with another architect or engineer to give the state necessary assurance of coverage.

# I am vetoing Assembly Bill 675 in its entirety.

This bill would mandate that employers requiring proof of vaccine against COVID-19 must accept documentation demonstrating natural immunity against the SARS-CoV-2 coronavirus (COVID-19) in lieu of proof of vaccination or regular testing.

I am vetoing this bill because I object to preventing employers from making decisions that are informed by science and public health to help combat the spread of COVID-19. The COVID-19 vaccine remains the most effective tool we have to prevent serious illness, hospitalizations, and death.

Private entities and businesses should remain free to implement COVID-19 mitigation measures to keep themselves, their workers, and customers safe without the Legislature's political interference.

#### I am vetoing Assembly Bill 776 in its entirety.

Under current law, it is a Class I felony to damage or

graffiti property if the damage exceeds \$2,500 or to damage certain property on state-owned land. This bill further specifies in state law that any damage or graffiti to certain property or to a structure, plaque, statue, painting, or other monument of commemorative or historical significance that is maintained by any state, county, or municipality or that is located on publicly owned land would also result in a Class I felony.

I am vetoing this bill because the behavior this bill purports to address is already prohibited and punishable under current law. It is already a Class A misdemeanor to commit these acts if the damage is less than \$2,500. An individual who commits these acts and causes damage valued at over \$2,500 is already punishable with a Class I felony under current Wisconsin state law. Thus, current law already ensures individuals who engage in this behavior can be held accountable.

### I am vetoing Assembly Bill 777 in its entirety.

This bill would require the Governor to allocate \$10,000,000 of federal funds awarded to Wisconsin from the American Rescue Plan Act of 2021 (ARPA) to political subdivisions for costs associated with policing. Any grant program would have to be approved by a legislative committee, which would also have the authority to modify it.

My administration and I have, thankfully, not waited for Legislative direction to begin this important work. Last fall, I announced my administration would be making a \$45 million investment in ensuring safer communities through violence prevention and support for crime victims. Additionally, I recently announced more than \$50 million into efforts to address reckless driving, support evidence-based crime prevention strategies, and alleviate justice system backlogs.

To date, I have been proud to invest more than \$100 million into violence and crime prevention and efforts to promote public safety in communities across our state. Among that \$100 million includes a program to invest nearly \$19 million into providing funding to local and tribal law enforcement agencies in Wisconsin. This will enable these public safety agencies to address the unique needs facing their communities, including training, recruitment bonuses, community policing needs, and technology investments. The determination of an agency's amount is a formula based on the population served and includes a violent crime add-on for locations where violent crime exceeds the statewide average.

I am vetoing this bill in its entirety because I object to the Legislature's effort to limit the state's ability to use federal funds and also because my administration has already been using federal aid to invest in violence prevention and crime prevention and community safety efforts, including supporting costs associated with public safety efforts. Additionally, in Wisconsin, it remains the role of the Governor to oversee the use of federal funds under Section 16.54 of the Wisconsin State Statutes, which has been established and reaffirmed on several occasions.

# I am vetoing Assembly Bill 824 in its entirety.

This bill would create a five-year penalty enhancer for a battery to a Department of Corrections employee by a person in custody. This bill would also require that any sentence imposed pursuant to this bill must run consecutively, rather than concurrently, to any sentence the person is already serving.

I am vetoing this bill in its entirety because the conduct this bill purportedly seeks to address is already prohibited and punishable under current law and judges already have the discretion to impose a sentence consecutively rather than concurrently. More specifically, current law already outlines increased penalties for batteries committed under specific circumstances, including currently existing increased penalties if committed by a person in our care at a correctional institution, or if the victim is a probation agent, extended supervision agent, parole agent, community supervision agent, aftercare agent, or a nurse.

#### I am vetoing Assembly Bill 827 in its entirety.

This bill would mandatorily aggregate the value of property for the purposes of determining a penalty for theft and retail theft if committed by three or more individuals, at the same time, in the same place, and in concert.

I am vetoing this bill in its entirety because I object to adding duplicative provisions to our criminal code as there are already state laws addressing orchestrated theft. Our criminal code already provides for the aggregation of the value of stolen property where multiple acts of theft are prosecuted as a single count, as well as party to a crime and conspiracy.

Republican and Democrat-controlled states alike have been leading efforts to reform the justice system by using data-driven, evidence-based practices to inform decisions that help keep our communities safe. Unfortunately, the Wisconsin State Legislature persists in working to push our state in the opposite direction. I welcome the opportunity to have meaningful conversations about holding offenders accountable while implementing strategies that can keep our kids, our families, and our communities safe. I remain hopeful the Legislature will join me in this important work.

# I am vetoing Assembly Bill 828 in its entirety.

The bill requires the Governor to allocate sufficient funds received under section 602 of the federal Social Security Act, as amended by the American Rescue Plan Act (ARPA) of 2021, to the Department of Corrections and the Department of Health Services for additional compensation for correctional officers, youth counselors, and psychiatric care technicians. The bill requires the Department of Corrections to provide an additional \$2 per hour to correctional officers and youth counselors during calendar year 2022 and \$5 per hour during calendar year 2023. The bill also requires the Department of Health Services to provide an additional \$2 per hour to psychiatric care technicians during calendar year 2022 and \$5 per hour during calendar year 2023. The hourly wage increases would not be cumulative. Under the bill, the

pay increases are not permanent and would be rescinded when ARPA funding is no longer available. The bill also requires the Governor to allocate these ARPA funds to both agencies that may then use them to provide recruitment and retention benefits, including, but not limited to, overtime compensation, sign-on bonuses, and longevity bonuses, to employees in these classifications.

I am vetoing the bill because I object to mandating the use of additional one-time federal funds without taking into account the other needed investments of federal dollars, most importantly our ongoing work to respond to and recover from the pandemic. My administration has already prioritized funds to provide a much-deserved add-on to our correctional workers while ensuring sufficient funding for our ongoing efforts. While this add-on is funded through a combination of federal funds under ARPA and existing agency budgets during the current fiscal biennium, it is the intent of the administration to make these pay increases permanent with readily available state resources, beginning in the 2023-25 biennial budget. The majority of these funds have already been allocated to assist Wisconsinites with the recovery from the Coronavirus pandemic. This bill would require that federal funds be redirected from the public health response, broadband, or tourism grants.

Furthermore, the 2021-23 compensation plan and companion bill proposed by the Division of Personnel Management within the Department of Administration provided additional state funding for compensation for correctional officers, youth counselors, and psychiatric care technicians which are critical for employee recruitment and retention, as well as to ensure safety inside of our institutions. This proposal from my administration funded these pay increases on a permanent basis using a small portion of the largest general fund balance in the history of our state. Unfortunately, the Joint Committee on Employment Relations chose to play politics, reject this proposal, and instead authorized a smaller and unfunded pay increase that is insufficient in solving this workforce crisis.

In favoring one-time ARPA funds instead of state funds, the Legislature is not offering a meaningful solution to this ongoing problem. Rescinding the increases after certain ARPA funds are no longer available will create even more significant recruitment and retention issues. Responsibly compensating our correctional officers, youth counselors, and psychiatric technicians is an important and ongoing state cost. The state holds the largest general fund balance in the history of the state and our budget stabilization fund is at its highest level ever. We have ample state resources available to make these important investments, and I welcome the Legislature to join me by supporting this effort in my next biennial budget.

#### I am vetoing Assembly Bill 829 in its entirety.

This bill would create a 180-day mandatory minimum sentence for a person convicted of a third offense of retail theft, which includes theft of services, within five years.

I am vetoing this bill in its entirety because I object to restricting the discretion of judges to address the

circumstances of the violation before them. Republican and Democrat-controlled states alike have been leading efforts to reform the justice system by using data-driven, evidence-based practices to inform decisions that help keep our communities safe. I welcome the opportunity to have meaningful conversations about holding offenders accountable while implementing strategies that can keep our kids, our families, and our communities safe. I remain hopeful the Legislature will join me in this important work.

# I am vetoing Assembly Bill 831 in its entirety.

This bill would require the Governor to allocate \$1,000,000 of federal funds awarded to Wisconsin from the American Rescue Plan Act of 2021 (ARPA) for a marketing campaign designed to recruit and retain law enforcement officers, including the recruitment of out-of-state law enforcement officers from communities in other states that have sought to reduce funding for law enforcement.

My administration and I have, thankfully, not waited for Legislative direction to begin this important work. Last fall, I announced my administration would be making a \$45 million investment in ensuring safer communities through violence prevention and support for crime victims. Additionally, I recently announced more than \$50 million into efforts to address reckless driving, support evidence-based crime prevention strategies, and alleviate justice system backlogs.

To date, I have been proud to invest more than \$100 million into violence and crime prevention and efforts to promote public safety in communities across our state. Among that \$100 million includes a program to invest nearly \$19 million into providing funding to local and tribal law enforcement agencies in Wisconsin. This will enable these public safety agencies to address the unique needs facing their communities, including training, recruitment bonuses, community policing needs, and technology investments. The determination of an agency's amount is a formula based on the population served and includes a violent crime add-on for locations where violent crime exceeds the statewide average. Additionally, among that \$100 million investment was also \$1 million for the Wisconsin Technical College System to establish part-time police academies to help address our state's public safety workforce challenges. These investments also do not include the \$130 million I have directed toward finding innovative, long-term, and community-based solutions to addressing our state's longstanding challenges retaining and bringing talented workers.

I am vetoing this bill in its entirety because I object to the Legislature's effort to limit the state's ability to use federal funds and because my administration has been using ARPA federal aid to invest in violence prevention and crime prevention and community safety efforts. In Wisconsin, it is the role of the Governor to oversee the use of federal funds under Section 16.54 of the Wisconsin State Statutes, which is established, has been in place for decades, and was reaffirmed by legislative leadership in a letter sent to me in April 2020.

# I am vetoing Assembly Bill 832 in its entirety.

This bill would require the Law Enforcement Standards Board to reimburse certain individual preparatory training expenses and agency recertification training expenses. These reimbursement programs would end on December 31, 2024, and would be funded by requiring the Governor to allocate federal funds from the American Rescue Plan Act of 2021 (ARPA).

To date, I have been proud to invest more than \$100 million into violence and crime prevention and efforts to promote public safety in communities across our state. Among that \$100 million includes a program to invest nearly \$19 million into providing funding to local and tribal law enforcement agencies in Wisconsin. This will enable these public safety agencies to address the unique needs facing their communities, including training, recruitment bonuses, community policing needs, and technology investments. The determination of an agency's amount is a formula based on the population served and includes a violent crime add-on for locations where violent crime exceeds the statewide average.

I am vetoing this bill in its entirety because I object to the Legislature's effort to limit the state's ability to use federal funds and because my administration has been using ARPA federal aid to make meaningful investments in violence prevention and crime prevention and community safety efforts. The Governor of Wisconsin is charged with overseeing the use of federal funds under Section 16.54 of the Wisconsin State Statutes, which is clearly established, has been in place for decades, and was reaffirmed by legislative leadership in a letter sent to me in April 2020.

# I am vetoing Assembly Bill 834 in its entirety.

This bill would create a statutory standard for executing "no-knock" search warrants, preempt local authorities from adopting policies that conflict with that standard, and place certain requirements on how first-class cities spend their distribution of Local Fiscal Recovery Funds from the federal American Rescue Plan Act of 2021 (ARPA).

I am vetoing this bill in its entirety because I object to the Legislature imposing onerous restrictions on first-class cities to use federal funds with the flexibility necessary to confront the variety of challenges posed by recovery from the coronavirus pandemic. Local governments and local elected officials are well-positioned to make informed decisions about what is best for their communities and how to meet the needs of the people they serve and represent without unnecessary political interference and micromanagement by the Legislature. I once again welcome the Legislature to make meaningful investments in tangible solutions like increasing County and Municipal Aid so that communities can more readily increase support for public safety services across our state. Moreover, I recently signed 2021 Wisconsin Act 183 into law, which requires the Department of Justice to collect certain information on no-knock entries in the execution of search warrants, which is a necessary step to further understanding this issue.

# I am vetoing Assembly Bill 836 in its entirety.

This bill would require the Wisconsin Technical College System Board to work with local technical college district boards to establish two part-time police academies and would require that the Governor allocate \$1 million in fiscal year 2022-23 from discretionary federal American Rescue Plan Act (ARPA) dollars.

I am vetoing this bill in its entirety because I object on the grounds that the Wisconsin Technical College System and Board expressed concerns about two provisions in this bill that went unaddressed through the legislative process and requested additional flexibility to implement this program effectively. To that end, on March 15, 2022, I announced \$1 million for the Wisconsin Technical College System to establish part-time police academies with that requested flexibility. We allow our technical colleges to be responsive to workforce needs in creating these academies so they can continue to be a critical partner in addressing our state's workforce challenges.

Finally, it remains the role of the Governor to oversee the use of federal funds under Section 16.54 of the Wisconsin State Statutes.

# I am vetoing Assembly Bill 884 in its entirety.

This bill would mandate the University of Wisconsin System (System) to accept a course in the U.S. Constitution or the Bill of Rights to satisfy diversity or ethnic studies required for core general education courses.

I am vetoing this bill in its entirety because I object to the Legislature's continued efforts to politicize our higher education institutions, sow division on our campuses, and micromanage the University of Wisconsin Systemand Board of Regents. This Legislature must stop using our students as political pawns. Educators should be able to teach honest, complete facts about important historical topics and events, and our students deserve to learn in atmospheres conducive to learning without being subjected to political interference by the Legislature.

# I am vetoing Assembly Bill 885 in its entirety.

This bill eliminates statutory immunity for University of Wisconsin System ("System") or Wisconsin Technical College System ("WTCS") district board campus administrators from liability for violations of certain individual expressive rights on system or technical college campuses. The bill allows for the recovery of reasonable attorney fees and costs by a prevailing plaintiff.

I am vetoing this bill in its entirety because the System already has policies and practices in place reflecting its obligations under the extensive body of caselaw defining First Amendment rights and exceptions and providing protections and remedies in case of a violation. According to the System, no case has been brought forward in Wisconsin in which a System or WTCS district employee was found to have violated the expressive rights of another individual under the state constitution. This demonstrates first and foremost how seriously Wisconsin's higher education

institutions already take academic freedom and freedom of expression. It also underscores that existing state law and policies already sufficiently address the concerns this bill raises

This legislation, like several bills before me, represents yet another attempt by this Legislature to politicize our campuses and higher education institutions. Our students and our world-class higher education institutions would be much better suited if this Legislature instead meaningfully considered efforts to invest in students and education at every level, and I welcome the opportunity to engage in this important conversation and do what's best for our kids.

# I am vetoing Assembly Bill 888 in its entirety.

The bill would require the Governor to allocate \$10 million in federal funding received under the American Rescue Plan Act of 2021 to the Wisconsin Economic Development Corporation (WEDC) to fund talent attraction and retention initiatives focusing on veterans. The bill also requires WEDC to expend those funds allocated by the Governor for this purpose.

My administration has been working diligently to make meaningful investments in our workforce, including support for our veterans in our workforce. I announced in July 2021 an investment of \$130 million into solutions to help address our state's long-term workforce challenges. This investment included \$100 million to develop innovative, community-based solutions to supporting our workforce, apprenticeship, and work training, \$20 million toward subsidizing employment and skills training for individuals who are unemployed, and \$10 million to help connect workers with available jobs. Today, much of this investment has already been awarded to important projects and efforts in every corner of our state.

We have also worked to provide additional federal funds to invest in veteran-owned businesses and their economic recovery through the Diverse Business Assistance Grant Program. This program, which I created to assist small businesses in communities disproportionately impacted by the pandemic, provided, among other investments, nearly \$5 million toward the Wisconsin Veterans Chamber of Commerce and CRC Employment and Entrepreneurial Services—both organizations that serve veterans and veteran-owned businesses by providing educational programming, computer literacy, technical assistance, and other benefits for new business owners.

I also recently announced over half a million dollars in grants to 14 registered 501(c)(3) nonprofit organizations that provide financial assistance, entrepreneurship training, or other services to Wisconsin veterans and their families. Since starting in 2015, the WDVA's grant programs have awarded more than \$1.7 million in funding to organizations that have a goal of ensuring Wisconsin veterans and their families are properly cared for, and more than \$2.2 million in funding to non-profit organizations that provide entrepreneurship or technical, business, or other assistance to veteran entrepreneurs to improve employment outcomes.

I am vetoing this bill in its entirety because I object to the

Legislature attempting to limit the state's ability to use federal funds. It is the governor's role to oversee the use of federal funds under Wisconsin State Statutes Section 16.54.

I remain committed to the work my administration has already been doing to ensure our veterans have the resources and support they deserve. I recently announced Blue Ribbon Commission on Veteran Opportunity will examine issues related to veteran employment and training, among other topics supporting veteran success. As Wisconsin's economic recovery from the pandemic continues, my administration remains committed to further efforts aimed at strengthening businesses and our workforce. We will continue our effort to bolster collaboration with Wisconsin's veterans, strengthen the network of veterans organizations working to provide care and assistance, and find long-term solutions to support our state's and our country's heroes and the challenges they face—both those that existed before the pandemic and others that worsened because of it.

# I am vetoing Assembly Bill 903 in its entirety.

This bill requires school boards to annually submit a report to the Department of Public Instruction (DPI) on the presence of a gifted and talented program coordinator and their time worked on gifted and talented programming, the number of gifted and talented pupils that received gifted and talented services, demographics for each pupil, and any other information requested by DPI. Under the bill, DPI must annually report on its website for each schooldistrict (1) the number of pupils evaluated to determine if they are a gifted and talented pupil; (2) the number of pupils identified as gifted and talented pupils; (3) the number of pupils who received gifted and talented program services (unless doing so would jeopardize confidentiality) and pupil demographics; (4) DPI's determination of whether or not the school district complied with the state's gifted and talented law; (5) the services and activities provided to gifted and talented pupils under a gifted and talented program; and (6) whether the school district employs a gifted and talented program coordinator and if so the amount of time that person spends on the district's gifted and talented program. Further, DPI must include on its website the statewide pupil participation rate in advanced placement courses, and for any entity receiving.

Further, the bill adds to the Department of Workforce Development's teacher training grant program a purpose area to award grants for professional development for teachers serving gifted and talented pupils. Along with the other annual reporting responsibilities added by this bill, DPI would also have to compile and publish on its website the services and activities provided by such grant recipients to gifted and talented pupils. Further, the bill would require DPI to audit for compliance at least 10 percent of school districts selected at random, in addition to including information on compliance with gifted and talented requirements on school report cards.

We have worked diligently over the course of the last three years to make meaningful investments in our kids and our schools after a decade's worth of cuts to education, returning our state to having the 8th best pre-K-12 education system in the country after dropping to 17th just five years ago. I also support the gifted and talented pupil program. For example, in my first biennial budget, I proposed more than \$1.5 million over the 2019-2021 biennium to support gifted and talented education. The Legislature removed that investment from my budget.

I am vetoing this bill in its entirety because I object to this Legislature's failure to increase investments in an already underfunded program while simultaneously adding new mandates without the sustainable, long-term funding necessary for implementation. Wisconsin, even after doubling the amount of gifted and talented funding in the current biennium, still provides far less to gifted and talented programming compared to neighboring states. This bill does not address this concern, and instead, potentially exacerbates it.

### I am vetoing Assembly Bill 912 in its entirety.

This bill limits the use of emergency powers during emergencies.

I am vetoing this bill in its entirety because I object to the Legislature potentially preventing small businesses from receiving targeted relief and resources designed specifically to support small, family-owned businesses during an economic emergency, and I object to potentially having to use economic relief programs designed for small, family-owned, and main street businesses to support big box corporations.

Economic crises often have disproportionate effects on small, main street businesses compared to larger corporations and big businesses. To this end, a state's immediate economic relief and recovery efforts must make intentional and targeted investments to support local main streets and economies that otherwise might not be able to leverage economic resources to the same extent as large, corporate counterparts. See, for example, my administration's "We're All In" small business grant program announced in May 2020 to respond to the coronavirus pandemic, which was funded through the Coronavirus Aid, Relief, and Economic Security Act. Our program invested \$75 million in the early days of the pandemic to provide \$2,500 in cash grants to help businesses with cost interruptions or health and safety improvements, paying worker salaries and wages, rent and mortgages, and inventory. These grants were critically important in helping small businesses across our state and were specifically targeted to go to small businesses with 20 or fewer employees.

Investing specifically in Wisconsin small businesses has been a central focus of our economic relief and recovery efforts during a state of emergency. The "We're All In" grant program referenced above was just one of many I have implemented to specifically provide targeted resources and assistance in response to this economic crisis. In fact, my administration has been proud to be a national leader in the share of the federal aid we have directed to economic development and small business support. An analysis conducted in November 2021 found Wisconsin ranked second in the country for aid we have directed to economic

development and first in the country in aid, we have allocated to businesses. During this pandemic, we have helped more than 100,000 small businesses, including helping more than 3,400 small businesses open up storefronts in all 72 counties. Clearly, many of these programs were directed to help small businesses, not big box corporations.

This bill would have potentially forced us to reduce or even eliminate altogether some of the economic support programs we ultimately devoted to our small businesses, instead requiring us to provide the same economic support to big-box corporations as well—no matter how big they are or how much money they have—to the significant detriment of Wisconsin's small businesses that desperately needed our help. Under this bill, any future state action relating to an emergency must be applied to all businesses uniformly, which could prevent the state from responding to an emergency by providing targeted resources to specifically help small businesses without necessarily providing those same resources to big box corporations, too.

I am concerned that, under this bill, the state would not be able to implement future economic relief and support programs designed to help small businesses without having to provide the same support to big businesses and corporations that likely do not need that same support as main street businesses in an economic crisis. We prioritized using our federal pandemic aid to go to small businesses rather than big-box businesses and corporations in recognition of the fact that most small businesses do not have the economic reserves, resources, and leverage big businesses and corporations do that are necessary to weather and survive economic turbulence.

# I am vetoing Assembly Bill 932 in its entirety.

This bill would mandate the Governor to provide at least \$20 million in federal American Rescue Plan Act (ARPA) funding to the Department of Workforce Development for the purpose of promoting apprenticeship programs to school districts with low or no apprenticeship program participation, increasing approved apprenticeship programs, and funding apprenticeship completion awards.

I welcome the opportunity to invest in, promote, and expand youth apprenticeship programs in our state. The 2019-21 biennial budget I signed included \$10 million to invest in local youth apprenticeship grants over the biennium. With changes made through the 2021-23 biennial budget I signed in July 2021 we added an additional \$1 million annually to invest \$12 million into youth apprenticeship grants across our state over this biennium.

Moreover, while our unemployment rate has rebounded to even better than pre-pandemic levels and continues to be at historic lows, our state has long faced workforce challenges that preceded the coronavirus pandemic. Wisconsin has always been proud of our high workforce participation rates—Wisconsinites are hard workers by nature. We have had the fewest number of people unemployed ever in our state's history as people across our state have returned to work. At the same time, we also know we need to find meaningful, long-term solutions to train our

talented workers and bring more workers to our state.

My administration and I have, thankfully, not waited for Legislative direction to begin this important work. In fact, I was proud to announce an investment of more than six times what the Legislature is proposing here. In July 2021, I announced I would be investing \$130 million into solutions to help address our state's long-term workforce challenges. This investment included \$100 million to develop innovative, community-based solutions to supporting our workforce, apprenticeship, and work training, \$20 million toward subsidizing employment and skills training to individuals who are unemployed, and \$10 million to help connect workers with available jobs. Today, much of this investment has already been awarded to important projects and efforts in every corner of our state.

I am vetoing this bill in its entirety because I object to the Legislature's effort to limit the state's ability to use federal funds. In Wisconsin, it is the role of the Governor to oversee the use of federal funds under Section 16.54 of the Wisconsin State Statutes, which is clearly established, has been in place for decades, and was reaffirmed by legislative leadership in a letter sent to me in April 2020. Moreover, as outlined above, Wisconsin has long been leading on this issue by making these critical, significant investments without the Legislature's direction.

### I am vetoing Assembly Bill 940 in its entirety.

The bill would require the Wisconsin Economic Development Corporation (WEDC) to submit within 30 days a plan to the Legislature's Joint Committee on Finance describing in detail how the WEDC intends to make expenditures required under 2021 Wisconsin Act 58—the 2021-23 biennial budget—using funds approved for talent attraction and retention initiatives.

I am vetoing this bill because I object to the Legislature's unnecessary interference in the WEDC's administration of talent attraction and retention initiatives.

The Legislature crafted the very provision in the 2021-23 biennial budget relating to talent attraction and retention not even one year ago now, having seemingly determined the WEDC could implement those initiatives without being micromanaged by the Legislature. The WEDC fully intends to meet its requirements under 2021 Wisconsin Act 58 to expend at least \$3 million on talent attraction and retention initiatives during the 2021-23 biennium.

# I am vetoing Assembly Bill 941 in its entirety.

The bill would require the Governor to allocate federal funding received under the American Rescue Plan Act of 2021 to the Department of Transportation to create three programs to increase the number of people with commercial driver licenses.

I am vetoing this bill in its entirety because I object to limiting the state's ability to use federal funds with the flexibility necessary to confront the variety of challenges posed by the recovery from the coronavirus pandemic and to respond to Wisconsin's changing needs. More specifically, it

is the role of the Governor in Wisconsin to oversee federal fund use under Section 16.54 of the Wisconsin State Statutes, which is clearly established, has been in place for decades, and reaffirmed by legislative leaders in an April 2020 letter.

Additionally, I am also vetoing this bill because I object to locating a workforce development program within the Department of Transportation. The bill's proposed programs are outside the scope of the Department of Transportation's traditional mission and duties and would limit the exploration of better or complementary options for workforce training efforts.

### I am vetoing Assembly Bill 962 in its entirety.

This bill would require that, if requested, the University of Wisconsin System institutions must cooperate with and participate in a Department of Public Instruction-initiated "landscape analysis" of certain educator preparation programs for which the Legislature's Joint Finance Committee approved using funds from the American Rescue Plan Act of 2021.

I am vetoing this bill in its entirety because I object to this bill creating duplicative processes. Every institution in the University of Wisconsin System offering an education preparation program that ultimately leads to licensure is already reviewed by the Department of Public Instruction and the Higher Learning Commission. Additionally, the bill would implement a lengthy process with no continual funds to support increased associated administrative and implementation responsibilities. Instead, the process is supported by existing funds that should be used to support student reading achievement right now. Finally, the data used by the bill's authors is problematic. The state's Badger Exam differs from those that formed the basis for the national tests relied on by the bill authors and the 2018-19 results of the state test pointed to a higher proficiency rate than the national exams.

### I am vetoing Assembly Bill 965 in its entirety.

This bill requires the Department of Public Instruction (DPI) to seek legislative approval for any changes to future report card measures, index systems, or other components, methods, and formulas by requiring DPI to promulgate rules. Further, the bill prohibits DPI from weighing pupil growth more heavily than pupil performance in calculating overall school report card scores. Finally, it requires DPI to use components and formulas used for school and school district report cards for the 2018-19 school year for report cards prepared for the 2021-22 school year.

I am vetoing this bill in its entirety because I object to the Legislature's continued efforts to politicize our schools and our classrooms. For years, DPI has reported school and school district report cards on an annual basis. This bill would constrain DPI's ability to improve how it calculates school report card scores, including changes based on input from parents, educators, and school administrators, as well as education experts, on what metrics best reflect school and student achievement. As I have said before and appreciate the opportunity to reiterate again today, I trust parents, educators,

and schools to work together to do what is best for our kids—they have long been doing this work without political interference and micromanagement by the Legislature.

Moreover, this legislation again fails to provide meaningful investments in our kids and our schools. Our kids have faced an especially challenging few years due to the coronavirus pandemic. We must act swiftly to ensure our kids have the support and resources to be successful, and that conversation begins with the state upholding its obligation to provide meaningful, sustainable investments in our schools. Over the course of the last three years, we have worked diligently to support and improve school quality after a decade of disinvestment. Now, our pre-K-12 education system ranks 8th best in the country after falling to 17th just five years ago. We can and should do more, I have called repeatedly on the Legislature to do so, and I welcome the opportunity to work together to do what's best for our kids.

### I am vetoing Assembly Bill 967 in its entirety.

This bill requires a school board to include a provision in the authorizing contract of a charter school to allow the charter governing board to open one or more additional charter schools if all of the charter schools operated by the governing board were assigned one of the top two performance categories in the most recent school and school district accountability report published by the Department of Public Instruction.

I am vetoing this bill in its entirety because I object to the Legislature's attempt to usurp the local authority of elected school board members to decide what conditions must be met for the expansion of a school board-authorized charter school. Charter schools were first authorized in Wisconsin in 1993 and there are currently more than 200 charter schools authorized by school boards in Wisconsin, each with a carefully considered contract to operate. Each of these charter school governing boards may request additional schools if and when their authorizing contract is renewed by their school board, and locally elected decision-makers can then decide if additional schools are in the best interest of their community. We should trust parents, educators, and school districts to work together to do what's best for our kids and what makes sense for their local community. The Legislature's attempt to remove such decision-making authority from local school boards undermines these decisions being made at the local level.

## I am vetoing Assembly Bill 968 in its entirety.

This bill creates the Charter School Authorizing Board (CSAB) consisting of the State Superintendent, two members appointed by the Governor, two members appointed by the State Superintendent, and six members appointed by legislative leaders. The CSAB is attached to the Department of Public Instruction (DPI) and may authorize independent charter schools, funded in the same manner as those chartered by the UW System Office of Educational Opportunity (OEO).

I am vetoing this bill because I object to the Legislature's continued efforts to inject partisan politics and

micromanagement into our education system. Specifically, this bill creates an unelected, unaccountable board to authorize and supervise new charter schools in Wisconsin, in violation of Article X, Section 1 of the Wisconsin Constitution. The framers of our constitution vested the supervision of public instruction in the State Superintendent, a constitutional officer elected by the people of this state. Here, the board would not be accountable to the State Superintendent or voters of Wisconsin. Instead, the bill allows Legislative leaders, who are not elected by the entire state, to appoint a majority of the eleven board members.

I further object to complicating our school funding system by creating yet another state-level charter school authorizer. Currently, funding for students in an OEO authorized independent charter school is provided through state General Purpose Revenue (GPR) and a corresponding state general aid reduction to the resident school district of a child attending such a school. While the resident school district is allowed to count the student in their membership for revenue limits and state general aid purposes, they are generally not made whole for the state aid reduction, which can result in higher property taxes for residents in those school districts. This funding system results in inconsistent financial impacts on property taxes and overall public school resources with varying relative costs per pupil and relative property value per pupil.

# I am vetoing Assembly Bill 984 in its entirety.

This bill requires that the University of Wisconsin System Board of Regents and System institutions establish and use only "objective admissions criteria" in making undergraduate student admissions determinations and course admission criteria and requires that institutions publish the criteria online.

I am vetoing this bill in its entirety for several reasons, among them the fact that the concerns this bill purports to address are already addressed under current law—Wisconsin state statutes already prohibit any tests based on partisanship, religion, national origin, or sex in student admissions for the University of Wisconsin System. As I have also said before, I object to the Legislature's efforts to politicize our campuses and micromanage our higher education institutions. I also object to the Legislature haphazardly mandating the University of Wisconsin System to use only certain criteria in the admissions process that Legislature apparently took no care to even define, much less extrapolate upon, in the present bill before me.

Moreover, this bill would likely have inadvertent but severe consequences for Wisconsin's workforce and our ability to likewise keep talented Wisconsinites here by arbitrarily limiting enrollment in our universities. In so doing, I am also concerned this bill might necessarily affect non-traditional students, including folks returning to education, service members and veterans, or other individuals who might not have taken a typical path to one of our institutions but who nevertheless are an essential part of our state's success.

Implementing this bill could severely and negatively impact overall enrollment across the System, hindering both

the state's future workforce and individuals seeking access to the high-quality education System institutions provide.

# I am vetoing Assembly Bill 995 in its entirety.

This bill prohibits school board districts or their employees from requiring students to wear face coverings in school buildings or on public school grounds if the student is opted out of the requirement. It also requires a school board to provide a full-time, in-person option for all pupils enrolled in the school district.

I am vetoing this bill in its entirety because I object to the Legislature inserting itself into mitigation decisions that parents, educators, and schools have been making together at the local school district level throughout this pandemic to keep our kids, our educators, and our classrooms safe. Having spent most of my career working in Wisconsin schools and classrooms, I know that every school district in Wisconsin looks different—they have different challenges, different class sizes, and different facilities. This is among the reasons why many Wisconsin schools returned to in-person instruction in 2020 and we have trusted local districts, parents, and schools, in consultation with local public health officials, to make decisions about mitigation efforts that make sense for their schools based on their unique needs. We will continue to do so.

Respectfully submitted, TONY EVERS Governor

#### COMMUNICATIONS

April 8, 2022

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 17, relating to various changes to the worker's compensation law.

Please add my name as a co-author of Assembly Bill 67, relating to storage and processing of sexual assault kits and requiring the exercise of rule-making authority.

Please add my name as a co-author of Assembly Bill 190, relating to the responsibilities of the Law Enforcement Standards Board and disclosure of employment files when recruiting former or current officers.

Please add my name as a co-author of Assembly Bill 297, relating to traffic violations when emergency or roadside response vehicles are present and providing a penalty.

Please add my name as a co-author of Assembly Bill 333, relating to crisis program enhancement grants.

Please add my name as a co-author of Assembly Bill 960, relating to battery or threat to a health care provider or staff member of a health care facility and providing a penalty.

Sincerely, STEVE DOYLE State Representative 94th Assembly District