



# STATE OF WISCONSIN

# Assembly Journal

## One-Hundred and Fifth Regular Session

FRIDAY, April 15, 2022

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

### ADMINISTRATIVE RULES

**Assembly Clearinghouse Rule 19-093**

Relating to the development of site-specific numeric phosphorus water quality criteria for surface waters.

No action taken by committee on **Environment** on April 12, 2022.

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

Referred on April 15, 2022.

**Assembly Clearinghouse Rule 21-083**

Relating to adding narrative surface water criteria with numeric thresholds and analytical methods for poly- and perfluoroalkyl substances (PFAS) including PFOS and PFOA for the purpose of protecting public health as well as revisions to the procedures in the Wisconsin Pollutant Discharge Elimination System (“WPDES”) permitting program to implement the new water quality criteria and affecting small business.

No action taken by committee on **Environment** on April 11, 2022.

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

Referred on April 15, 2022.

**Assembly Clearinghouse Rule 21-088**

Relating to the promulgation of new drinking water maximum contaminant levels for Per- and Polyfluoroalkyl Substances (PFAS) including Perfluorooctanesulfonic acid (PFOS) and Perfluorooctanoic acid (PFOA) and affecting small business.

No action taken by committee on **Environment** on April 11, 2022.

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

Referred on April 15, 2022.

**Assembly Clearinghouse Rule 21-089**

Relating to commercial lines modernization.

No action taken by committee on **Insurance** on April 12, 2022.

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

Referred on April 15, 2022.

**Assembly Clearinghouse Rule 21-106**

Relating to holding company system regulation amendments.

No action taken by committee on **Insurance** on April 7, 2022.

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

Referred on April 15, 2022.

### EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison

April 15, 2022

To the Honorable Members of the Assembly:

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

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Assembly Bill 251</b> .....	263 .....	April 15, 2022

Respectfully submitted,  
*TONY EVERS*  
Governor

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

<u>Act Number</u>	<u>Bill Number</u>	<u>Publication Date</u>
<b>Wisconsin Act 263</b> .....	Assembly Bill 251 .....	April 16, 2022

### GOVERNOR’S VETO MESSAGE

April 15, 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:

<u>Bill Number</u>	<u>Date of Veto</u>
<b>Assembly Bill 299</b>	April 15, 2022
<b>Assembly Bill 316</b>	April 15, 2022
<b>Assembly Bill 883</b>	April 15, 2022
<b>Assembly Bill 934</b>	April 15, 2022
<b>Assembly Bill 935</b>	April 15, 2022

<b>Assembly Bill 936</b>	April 15, 2022
<b>Assembly Bill 937</b>	April 15, 2022
<b>Assembly Bill 938</b>	April 15, 2022
<b>Assembly Bill 939</b>	April 15, 2022
<b>Assembly Bill 963</b>	April 15, 2022
<b>Assembly Bill 966</b>	April 15, 2022
<b>Assembly Bill 970</b>	April 15, 2022

**I am vetoing Assembly Bill 299 in its entirety.**

This bill would prohibit any governmental entity from requiring a person to provide proof that the person has received a vaccine against the SARS-CoV-2 coronavirus in order to receive any services, conduct any business, access any building, or participate in any government function. In addition, this bill would prohibit any person, firm, partnership, corporation, association, or other legal entity, including a nonprofit organization, engaged in any enterprise in this state from requiring a person to provide proof that the person has received a vaccine against the SARS-CoV-2 coronavirus in order to receive any services, conduct any business, access any building or participate in any non-private function.

I am vetoing this bill in its entirety because I object to the Legislature’s continued efforts to inject partisan politics and rhetoric into public health practices by preventing public entities and businesses from making decisions that work for them, their customers, their workers, and their operations to help prevent and suppress the spread of COVID-19. As I previously said in my veto messages for Assembly Bill 1 and Assembly Bill 23, respectively, our response to this pandemic should be focused on following the science and the advice of public health experts and working together to save as many lives as we can - not on finding ways to make it harder to fight this virus or keep Wisconsinites healthy and safe. Private entities and businesses should remain free to implement COVID-19 mitigation measures to keep themselves, employees, and customers safe without unnecessary, political interference from this Legislature.

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

**I am vetoing Assembly Bill 316 in its entirety.**

This bill would prohibit any governmental entity from “discriminating” against a person based on whether the person has received a vaccine against the SARS-CoV-2 coronavirus. The bill does not define discrimination.

I am vetoing this bill in its entirety because I object to the Legislature’s continued efforts to inject partisan politics and rhetoric into public health practices by preventing public entities from working to help prevent and suppress the spread of COVID-19. As I have previously said on countless occasions, government response to this and future pandemics should be focused on following the science and the advice of public health experts to keep Wisconsinites healthy and safe. This should not be subject to the unnecessary, politically driven interference by this Legislature.

**I am vetoing Assembly Bill 883 in its entirety.**

This bill would make several changes to the unemployment insurance program, including: (a) changing the name of the program to “reemployment assistance;” (b) creating additional qualifying requirements to receive benefits, particularly as they relate to work searches for claimants unemployed for over three weeks; (c) requiring the Department of Workforce Development to promulgate rules immediately for drug testing certain unemployment insurance beneficiaries; (d) requiring the department to continue participating in the federal Reemployment Services and Eligibility Assessment program; (e) modifying the weekly wage threshold (at which point unemployment insurance benefits are prorated) from \$30 in any benefit week to \$30 or 40 percent of the claimant’s benefit week rate (whichever is greater); (f) requiring the Governor to provide American Rescue Plan Act of 2021 funding for \$1,000 payments to employers that hire long-term unemployment benefit recipients who lost jobs as a result of the COVID-19 pandemic; (g) making technical changes regarding state plans submitted pursuant to the Workforce Innovation and Opportunity Act of 2014, and (h) requiring the department to report, twice each year, to the appropriate standing committees of the Legislature, an analysis of unemployment benefit claimants’ employment outcomes.

During the coronavirus pandemic, individuals and families across our state relied on unemployment benefits to make ends meet. Now, Wisconsin has returned to work. Our state’s unemployment rate is at historic lows, and we have the fewest number of people unemployed ever in our state’s history. I am vetoing this bill in its entirety because I object to creating more burdensome requirements for employers while adding more barriers for individuals applying for and receiving economic assistance through programs largely designed to provide support when individuals and families are experiencing economic hardship.

Moreover, the Department of Workforce Development is already performing much of the work this bill purports to newly require or support. The department already helps employers find available workers and provides job services, training, and employment assistance to workers and individuals seeking to join our workforce. For example, “reemployment assistance” is effectively already the function of the Division of Employment and Training’s Bureau of Job Service, which supports the mobile career lab, works in schools and libraries to connect available workers with jobs, supports Department of Corrections’ job labs, and various other in-person and online efforts to support workers and connect available workers with employers. They also already administer the Reemployment Services and Eligibility Assessment program, which helps approximately 20,000 to 25,000 unemployment insurance claimants a year with conducting work searches, employment counseling and career exploration, and referrals to job training programs. Work registration and reemployment services are already required.

The Legislature might well have been informed about these existing responsibilities, programs, and requirements

had this legislation been developed through the Unemployment Insurance Advisory Council's agreed-upon bill process or in consultation with the Council and the Department.

**I am vetoing Assembly Bill 934 in its entirety.**

This bill would require the Department of Health Services to promptly remove ineligible individuals from the Medicaid program, prohibit the department from automatically renewing individuals' Medicaid eligibility, require the department to redetermine individuals' Medicaid eligibility every six months, and would prohibit the use of prepopulated forms (except recipient or applicant name and address). In addition, the department would be required to enter into data-sharing agreements for the purpose of confirming eligibility for public assistance programs.

I am vetoing this bill in its entirety because I object to creating requirements that conflict with federal law. States are already required to renew Medicaid eligibility at least every 12 months and not more than every 12 months and are required to complete administrative renewals whenever possible. In the event the state cannot make a renewal determination on its own or complete an administrative renewal, the state is required to send a pre-printed renewal form to the individual. Additionally, the department is prohibited under federal law from terminating eligibility based on information received directly from data exchanges.

I also object to this bill creating an eligibility condition for the Medicaid program that is more stringent than what is currently allowed under federal law. Unless a state receives explicit authority from the federal government to impose other eligibility rules—which Wisconsin does not have, and it remains unclear whether such a waiver request to the federal government would be approved—individuals who otherwise meet existing eligibility criteria are entitled to these program benefits under federal law.

**I am vetoing Assembly Bill 935 in its entirety.**

This bill would require the Department of Health Services to reinstate work requirements for able-bodied adults without dependents and the employment and training program for able-bodied adults; withdraw any FoodShare waivers altering work requirements; and implement a drug screening, testing, and treatment policy for individuals enrolled in the FoodShare Employment and Training Program.

I am vetoing this bill in its entirety because I object to adding more barriers for individuals applying for and receiving food security and economic assistance through programs largely designed to provide support when individuals and families are experiencing economic hardship.

Additionally, I also object to creating a situation in which the state and the Department of Health Services could be out of compliance with federal law. The Families First Coronavirus Response Act, which was passed and enacted under the Trump Administration, requires that able-bodied adults without dependents not be subject to various eligibility restrictions during the public health emergency, effectively

removing previously accrued time-limited benefit months and restarting benefits for able-bodied adults at zero months. Rescinding the related state's waiver would put the state out of compliance with this federal requirement.

**I am vetoing Assembly Bill 936 in its entirety.**

Under this bill, an able-bodied adult without dependents in the Medicaid program who fails to accept a job offer or increase in paid work hours would be ineligible for those benefits for six months.

I am vetoing this bill in its entirety because I object to this bill creating an eligibility condition for the Medicaid program that is more stringent than what is currently allowed under federal law. Unless a state receives explicit authority from the federal government to impose other eligibility rules—which Wisconsin does not have, and it remains unclear whether such a waiver request to the federal government would be approved—individuals who otherwise meet existing eligibility criteria are entitled to these program benefits under federal law.

**I am vetoing Assembly Bill 937 in its entirety.**

This bill would limit the total number of weeks a claimant who loses their job through no fault of their own would be eligible to receive unemployment benefits based on the state's previous seasonally adjusted unemployment rate. Currently, eligibility for regular unemployment insurance benefits is a maximum of 26 weeks. Under the bill, the maximum number of weeks that a claimant would be eligible for benefits could be as many as 26 if the state's unemployment rate is greater than 9 percent or as few as 14 if the state's unemployment rate is less than or equal to 3.5 percent, with a range of benefit weeks tied to unemployment rates in between. The bill does not modify supplemental or extended unemployment benefit provisions (which also are tied to the state's unemployment rate). The unemployment rate used to determine the benefit week eligibility for claimants beginning to receive benefits in the first half of a calendar year would be the third quarter of the previous calendar year. For claimants beginning to receive benefits after June 30 of a calendar year, the unemployment rate from the first quarter of that same calendar year would apply.

During the coronavirus pandemic, individuals and families across our state relied on unemployment benefits to make ends meet. Now, Wisconsin has returned to work. Our state's unemployment rate is at historic lows, and we have the fewest number of people unemployed ever in our state's history. I am vetoing this bill in its entirety because I object to adding more barriers for individuals applying for and receiving economic assistance through programs largely designed to provide support when individuals and families are experiencing economic hardship.

Additionally, under this legislation, the number of weeks an individual who lost their job through no fault of their own would be eligible to receive benefits would be determined based on historical and potentially outdated unemployment rates. Under this bill, for example, for an individual applying for unemployment insurance benefits on or after January 1,

the number of weeks for which that person would be eligible to receive benefits would be based on the average unemployment rate of July, August, and September of the preceding year. Similarly, for an individual applying for unemployment insurance benefits on or after July 1, the number of weeks for which that person would be eligible would be based on the average unemployment rate of January, February, and March earlier that year.

This bill fails to meaningfully contemplate—much less be responsive to—timely, immediate economic needs precipitated by an economic crisis. Considering the economic turbulence caused by the coronavirus pandemic, for example, might have proved illuminating, even instructive, to the Legislature in the course of developing this legislation. In April 2020, Wisconsin's unemployment rate was 14.8 percent. If this bill had been enacted before this pandemic, the number of weeks for which an April 2020 claimant would have been eligible to receive would have been based on the unemployment rate for the third quarter of 2019—when there was no pandemic, no economic crisis existed, and the unemployment rate was 3.1 percent. This defies logic.

The Legislature might well have been informed about these issues had this legislation been developed through the Unemployment Insurance Advisory Council's agreed-upon bill process or in consultation with the Council and the Department.

**I am vetoing Assembly Bill 938 in its entirety.**

This bill would make several modifications to the unemployment insurance laws. Specifically, the bill provides that whenever unemployment benefits are augmented by congressional or executive action—that is, for example, many of the enhanced federal unemployment benefits that provided additional economic support during the coronavirus pandemic—they must be approved by the Legislature's Joint Finance Committee. The bill also dramatically expands the definition of employee misconduct. The bill would impose upon nonresident claimants a requirement to register with their local job center after receiving the first week of benefits from Wisconsin. The Department of Workforce Development would have to verify that such claimants have completed this registration, as well as audit 50 percent of all work search actions reported by all claimants in the state. The bill further would require the department to provide information about the unemployment insurance system to both individuals and employers and enhance identity verification (compliant with National Institute of Standards Digital Identity Guidelines IAL2 and AAL2), among other provisions.

During the coronavirus pandemic, individuals and families across our state relied on unemployment benefits to make ends meet. Now, Wisconsin has returned to work. Our state's unemployment rate is at historic lows, and we have the fewest number of people unemployed ever in our state's history. I am vetoing this bill in its entirety because I object to adding more barriers for individuals applying for and receiving economic assistance through programs largely designed to provide support when individuals and families

are experiencing economic hardship. Additionally, I also object to the Legislature's unnecessary interference in future unemployment benefit augmentations. Unfortunately, this state has already experienced firsthand what happens when the Legislature delays and refuses to act expeditiously in the face of overwhelming need—in 2020, Wisconsin lost out on \$25 million in federal funding to help support unemployment benefits because the Legislature failed to act quickly. This legislation only enables this same mistake to occur again in the future by requiring Joint Finance Committee review. By way of further example, had this bill been enacted during this pandemic as the state was implementing the Federal Pandemic Unemployment Compensation benefit program, the two-week delay to accommodate the Joint Finance Committee's passive review period alone would have resulted in an estimated more than \$360 million in lost funds. Legislative inaction on future benefit augmentations could needlessly delay and potentially even jeopardize economic support to Wisconsinites during times of great economic need and uncertainty.

Moreover, the Department of Workforce Development has launched a modernized call center, offers significant reemployment services, and has substantial eligibility requirements and fraud prevention mechanisms. The Legislature might well have been informed about these processes and existing requirements had this legislation been developed through the Unemployment Insurance Advisory Council's agreed-upon bill process or in consultation with the Council and the Department.

**I am vetoing Assembly Bill 939 in its entirety.**

This bill would make various changes to the unemployment insurance law. Wisconsin businesses and employers are an essential part of the success of our unemployment system and are already required to submit information to the Department of Workforce Development. The Department would also be required to create online reporting mechanisms for employers' increased reporting requirements. This bill requires employers to "provide a full and prompt response" for benefit claims as to eligibility questions and report to the Department regarding various conduct of a job applicant. The bill specifies that the first such report regarding an individual should be disregarded for purposes of determining unemployment benefit eligibility if the claimant can demonstrate good cause for any failure to interview or accept a job offer. Generally, though, reports under the bill would render an individual ineligible for benefits during a benefit week. The Department would be required to investigate each report and provide the results of such investigations and actions taken to the Unemployment Insurance Council and the appropriate standing committees of the Legislature. The bill also adds duplicative requirements, which are largely already provided for under current law.

During the coronavirus pandemic, individuals and families across our state relied on unemployment benefits to make ends meet. Now, Wisconsin has returned to work. Our state's unemployment rate is at historic lows, and we have the

fewest number of people unemployed ever in our state's history. I am vetoing this bill in its entirety because I object to adding more barriers for individuals applying for and receiving economic assistance through programs largely designed to provide support when individuals and families are experiencing economic hardship. Moreover, state law already has protections in place to prevent the types of fraudulent activity this bill purports to prevent. Under current law, unemployment claimants must already be able and available for work, must actively look for work and provide documentation for completing four work search actions per week, and must report weekly whether they have refused job offers or job referrals. Failure to comply with these requirements could result in the ending of benefits, overpayments, or additional penalties. The Legislature might well have been informed about these existing requirements had this legislation been developed through the Unemployment Insurance Advisory Council's agreed-upon bill process or in consultation with the Council and the Department.

**I am vetoing Assembly Bill 963 in its entirety.**

This bill would create a new legal standard for infringement on certain rights for parents with regard to their children.

As a former science teacher, principal, and state superintendent, I know that parents are the first and best teachers our kids have. We know we can improve our kids' academic achievement when parents are actively involved in their kids' lives, including supporting their education. During my time as an educator and administrator, engaging with parents and family members about their kids' education was invaluable. That is why, as governor, I trust parents, educators, and school boards to work together to do what's best for our kids.

Unfortunately, this bill is another in a string of legislation aimed not at supporting our parents, our kids, and our schools, and fostering those relationships that improve student outcomes, but at dividing our schools. Politicians on both sides of the aisle have to stop using our kids as political pawns. I am vetoing this bill in its entirety because I object to sowing division in our schools, which only hurts our kids and learning in our classrooms. Now more than ever, especially after these past few years, our focus should be on doing what's best for our kids, improving school quality, and supporting our classrooms. I continue to urge the Wisconsin State Legislature to make meaningful, sustainable investments in K-12 education so we can ensure our educators, staff, administrators, and school boards can maintain robust communication and collaboration with parents and parent involvement and improve outcomes in our schools. By providing long-term state support for our schools and bolstering staff resources, we can better empower and facilitate parent engagement, which is critically important for our kids' success.

For these reasons, I cannot support this bill.

**I am vetoing Assembly Bill 966 in its entirety.**

This bill would dissolve the Milwaukee Public Schools System (MPS) and catalyze the creation of multiple school districts by July 1, 2024, to serve the same geographic area. The bill mandates that a Milwaukee Public Schools Redistricting and Implementation Commission would devise the new MPS structure and plans would have to be submitted to the Legislature.

I am vetoing this bill in its entirety because I object to dissolving MPS without evidence that doing so will provide the measures and support necessary to help kids in the Milwaukee area. This bill's provisions could weaken city-wide school initiatives that are a strength of MPS, could substantially alter individual school funding, and could result in substantial employee movement both within and potentially out of MPS. Further, this bill fails to assign membership to the proposed Commission to stakeholders that represent teachers, parents, students, or school board members who best understand what students in MPS need.

Moreover, this bill represents yet another attempt by this Legislature to politicize our schools and an unprecedented intrusion on local control in our public school districts. At a minimum, such a broad, sweeping plan should be developed in consultation with parents, educators, and administrators of MPS, drafted together with legislators who represent MPS parents, students, and schools, and considered meaningfully by and with input from the greater Milwaukee community. This bill fails on each front.

**I am vetoing Assembly Bill 970 in its entirety.**

This bill eliminates income limits and participation limits in the Parental Choice Programs and creates an unfunded \$1,000 per-student education account reimbursement program.

I am vetoing this bill because I object to the drastic impact it could have on families; according to the Department of Public Instruction, the impact on taxpayers in a school year could exceed \$500,000,000. It is remarkable to me that many supporters of this bill, who commonly express concerns about property taxes when it comes to supporting more than 800,000 public school children in our state, are apparently unfazed by the fiscal impact this bill could have on families due to the way these programs are funded.

Similarly, I object to creating a new reimbursement program with no designated state funding source. While courses offered by approved educational providers may benefit students, the bill contains no appropriation, oversight, or accountability to implement the \$1,000 reimbursement for educational materials.

Finally, I am vetoing this bill because it could jeopardize the state's Maintenance of Effort obligations related to the receipt of over \$2 billion of federal funding for public and private schools by increasing K-12 expenditures without increasing higher education expenditures.

Respectfully submitted,  
 TONY EVERS  
 Governor