



STATE OF WISCONSIN

Assembly Journal

One-Hundred and Fifth Regular Session

MONDAY, February 7, 2022

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

AMENDMENTS OFFERED

Assembly Amendment 2 to **Assembly Bill 41** offered by Representative Plumer.

Assembly Amendment 4 to **Assembly Bill 82** offered by Representative Allen.

Assembly Substitute Amendment 2 to **Assembly Joint Resolution 107** offered by Representative Duchow.

Assembly Amendment 1 to **Assembly Bill 308** offered by Representative Krug.

Assembly Amendment 2 to Assembly Substitute Amendment 2 to **Assembly Bill 520** offered by Representative Dittrich.

Assembly Amendment 1 to **Assembly Bill 865** offered by Representative James.

Assembly Amendment 1 to **Assembly Bill 874** offered by Representative Loudenberg.

Assembly Amendment 1 to **Assembly Bill 905** offered by Representative Zimmerman.

Assembly Amendment 1 to **Assembly Bill 914** offered by Representative Kitchens.

Assembly Amendment 1 to **Assembly Bill 917** offered by Representative Brooks.

Assembly Amendment 1 to **Assembly Bill 948** offered by Representative Macco.

Assembly Amendment 1 to **Assembly Bill 956** offered by Representative Cabral-Guevara.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 21-095

Relating to reevaluation criteria for orthopedic impairment, traumatic brain injury, and significant developmental delay disability categories.

Submitted by Department of Public Instruction.

Report received from Agency, January 20, 2022.

To committee on **Health**.

Referred on February 3, 2022.

Assembly Clearinghouse Rule 21-102

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

Submitted by Department of Public Instruction.

Report received from Agency, January 25, 2022.

To committee on **Education**.

Referred on February 3, 2022.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 128

Relating to: honoring the life and service of Firefighter Stephen M. Smith.

By Representative Steineke; cosponsored by Senator Cowles.

To committee on **Rules**.

Assembly Bill 959

Relating to: authorizing Purple Heart Reservation highway signs on the Oneida Reservation.

By Representative Steineke; cosponsored by Senator Cowles.

To committee on **Transportation**.

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.

By Representatives Vos, Magnafici, Armstrong, Born, Cabral-Guevara, Dittrich, Duchow, Edming, Gundrum, James, Kuglitsch, Moses, Novak, Steffen, Vorpapel and Wittke; cosponsored by Senators LeMahieu, Wanggaard and Feyen.

To committee on **Criminal Justice and Public Safety**.

Assembly Bill 961

Relating to: confidentiality of financial institution account information.

By Representatives August, Katsma, Loudenberg, Armstrong, Penterman, Allen, Duchow, Sortwell, Cabral-Guevara, Dallman, Plumer, Moses, Oldenburg, Kuglitsch, Knodl, Dittrich, Wichgers, VanderMeer, Horlacher, Brandtjen, Brooks, Born and Murphy; cosponsored by Senators Felzkowski and Stroebel.

To committee on **State Affairs**.

REFERENCE BUREAU CORRECTIONS

Assembly Bill 41

Page 6, line 4: delete “heath” and substitute “health”.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

February 4, 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:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Assembly Bill 529	130	February 4, 2022
Assembly Bill 537	131	February 4, 2022

Respectfully submitted,
TONY EVERS
Governor

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

<u>Act Number</u>	<u>Bill Number</u>	<u>Publication Date</u>
Wisconsin Act 130	Assembly Bill 529	February 5, 2022
Wisconsin Act 131	Assembly Bill 537	February 5, 2022

GOVERNOR’S VETO MESSAGE

February 4, 2022

To the Honorable Members of the Assembly:

The following bill, originating in the Assembly, has been vetoed in its entirety, and was returned to its house of origin, together with the objections in writing:

<u>Bill Number</u>	<u>Date of Veto</u>
Assembly Bill 86	February 4, 2022

This bill would establish certain requirements and prohibitions for complementary and alternative health care (CAHC) practitioners; would provide exemptions for CAHC practitioners from prohibitions against acting without certain healthcare-related licenses, certifications and other credentials if they comply with provisions in the bill; and would provide the Department of Safety and Professional Services with the authority to investigate and take action against a CAHC practitioner for violating a provision in the bill.

I have been a strong advocate of ensuring everyone has access to quality, affordable healthcare, whether it is ensuring we protect healthcare access for people with pre-existing conditions, expanding access to telehealth services in rural communities, or ensuring Wisconsinites can find healthcare

treatment and services that are right for them. Equally important is ensuring patients and consumers are protected.

I am vetoing this bill in its entirety because I object to altering current licensure standards in a way that would allow some practitioners to practice without the necessary training. Our medical licensure requirements exist to ensure that license holders possess the education and training necessary to safeguard the health and safety of their patients. This bill would devalue the level of competency required and could potentially endanger patients by exempting some individuals from needing to meet those same standards.

Moreover, I share concerns raised by the Wisconsin Council on Mental Health and the National Association of Social Workers that this bill would allow providers to perform psychotherapy and treat mental health disorders. Especially in the midst of the corona virus pandemic, investing in and expanding access to mental health services is critical; however, I have concerns about mental health services being provided to vulnerable Wisconsinites without the necessary training, which could have detrimental effects on individuals who might already be in crisis.

Access to healthcare—including mental healthcare—is critically important, and I welcome the opportunity to review legislation on this issue that addresses these concerns.

Respectfully submitted,
TONY EVERS
Governor

February 4, 2022

To the Honorable Members of the Assembly:

The following bill, originating in the Assembly, has been vetoed in its entirety, and was returned to its house of origin, together with the objections in writing:

<u>Bill Number</u>	<u>Date of Veto</u>
Assembly Bill 411	February 4, 2022

This bill would prohibit school districts and independent, publicly-funded charter schools from providing instruction on a wide variety of subjects centered around race and sex discrimination. The bill would also prohibit school boards and charter school operators from requiring school staff to attend training on providing instruction on these topics. Additionally, under the bill, the Department of Public Instruction would be required to withhold 10 percent of a district's state aid distribution if they determine the school is providing instruction or training on these topics. Further, the bill would create a private legal enforcement action, allowing individuals to sue a district or school for alleged violations of the bill.

I am vetoing this bill in its entirety because I object to creating new censorship rules that restrict schools and educators from teaching honest, complete facts about important historical topics like the Civil War and civil rights. I have said before and will restate again today that I trust parents, educators, and schools to work together to do what is best for our kids—work they have long been doing without the political interference and micromanagement from

politicians in Madison. Our kids deserve to learn in an atmosphere conducive to learning without being subjected to state legislative encroachment that is neither needed nor warranted. Moreover, we have worked hard to provide increased support for our kids and our schools after a decade's worth of cuts to education. This work has helped our state return to having the 8th best pre-K-12 education system in the country after dropping to 17th in 2017. There is no question that the aid we are providing our schools is much better spent on our kids learning in our classrooms than on the onslaught of attorney fees, lawsuits, and legal bills that could befall them because of this legislation.

Respectfully submitted,
 TONY EVERS
 Governor

February 4, 2022

To the Honorable Members of the Assembly:

The following bill, originating in the Assembly, has been vetoed in its entirety, and was returned to its house of origin, together with the objections in writing:

<u>Bill Number</u>	<u>Date of Veto</u>
Assembly Bill 440	February 4, 2022

This bill would create a separate penalty for manufacturing marijuana or separating resin from marijuana by butane extraction or a similar method and would create a graduated penalty structure for marijuana possession if the form is a resin produced through butane extraction.

I am vetoing this bill in its entirety because I object to creating additional criminal offenses or penalties related to marijuana use.

In recent years, we have seen state after state reform marijuana prohibitions, from decriminalization to legalizing medical marijuana to legalizing recreational use. According to a 2019 Marquette Law School poll, nearly 60 percent of Wisconsinites believe the time has come for us to legalize recreational marijuana. I agree with them, and my 2021-23 budget proposed to do just that. Additionally, I proposed using a part of the expected revenue from marijuana legalization for a community reinvestment fund to support programs to invest in the communities that have too often borne the cost of marijuana criminalization.

It is widely accepted, and, indeed, research over the course of the last decade confirms, that marijuana criminalization has had a disproportionate impact on communities of color, especially in Wisconsin where we have longstanding racial disparities in incarceration rates. For example, according to a report released by the American Civil Liberties Union in 2020, Wisconsin ranks among the worst in the country for racial disparities in arrests for marijuana possession. Similarly, while national arrest rates for marijuana possession overall have declined over the last decade, Wisconsin has trended in the opposite direction, with marijuana possession arrests increasing more than 12 percent from 2010 to 2018. Moreover, that same study showed Black

people are 4.2 times more likely to be arrested in Wisconsin for marijuana possession than their white counterparts despite comparable national rates of use.

Marijuana possession and manufacturing/delivery, regardless of the form, is currently illegal in Wisconsin. The bill would create a new sentencing disparity for marijuana resin. Under the bill, a second or subsequent offense of possessing or attempting to possess resin would have escalating penalties depending on the amount involved. If it involves more than 50 grams, about 1.76 ounces, it would be a Class E felony. But under current law, a similar repeat offense for tetrahydrocannabinols—regardless of the amount—is a Class I felony. This bill represents a continuation of past policies and paradigms we know have had detrimental effects on people, families, and communities across our state while also creating a new sentencing disparity for marijuana resin.

States across our country—both Democrat and Republican-controlled alike—have and are taking meaningful steps to address increased incarceration rates and reduce racial disparities by investing in substance use treatment, community reentry programming, alternatives to incarceration, rehabilitation, and other data-driven, evidence-based practices we know are essential solutions to reforming our justice system. The data and the science are clear on this issue, and I welcome the Legislature to start having meaningful conversations around justice reform in Wisconsin.

As former Governor Tommy Thompson has said in recent years, “I’ve also come to believe that our corrections system and incarceration practices are both financially unsustainable and provide questionable outcomes worthy of strenuous review.” I agree. And this bill would simply be another step in the wrong direction.

Respectfully submitted,
 TONY EVERS
 Governor

SPEAKER'S COMMUNICATIONS

February 7, 2022

Representative Joel Kitchens
 Room 220 North, State Capitol
 Madison, WI 53708

Dear Representative Kitchens:

Pursuant to Assembly Rule 42 (3)(c), with your permission as Chair of the Environment committee, I will remove Assembly Bill 943 from the committee and refer the bill to the State Affairs committee.

Please contact my office with any questions.

Sincerely,
 ROBIN J. VOS
 Assembly Speaker

COMMUNICATIONS

February 4, 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 948, relating to nonprobate transfers of farming implements at death.

Sincerely,
ROBERT BROOKS
State Representative
60th Assembly District

February 7, 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 814, relating to rehired annuitant teachers.

Sincerely,
TODD NOVAK
State Representative
51st Assembly District

February 7, 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 506, relating to warning lamps on highway vehicles.

Please add my name as a co-sponsor of Senate Bill 508, relating to warning lamps on highway vehicles.

Sincerely,
JESSE JAMES
State Representative
68th Assembly District

February 7, 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-sponsor of Assembly Bill 959, relating to authorizing Purple Heart Reservation highway signs on the Oneida Reservation.

Sincerely,
ANDRÉ JACQUE
State Senator
1st Senate District

February 7, 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 899, relating to requiring one credit of personal financial literacy for high school graduation.

Sincerely,
BARBARA DITTRICH
State Representative
38th Assembly District