

STATE OF WISCONSIN
Senate Journal

One-Hundred and Fifth Regular Session

MONDAY, March 29, 2021

The Chief Clerk made the following entries under the above date.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate Amendment 1 to **Senate Bill 14** offered by Senators Kooyenga and Carpenter.

Senate Amendment 1 to **Senate Bill 23** offered by Senator Jacque.

Senate Substitute Amendment 1 to **Senate Bill 160** offered by Senator Testin.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Swearingen added as a cosponsor of **Senate Bill 192**.

**State of Wisconsin
Office of the Governor**

March 29, 2021

The Honorable, the Senate:

The following bill(s), originating in the Senate, 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>
Senate Bill 3	9	March 26, 2021
Senate Bill 10	12	March 26, 2021
Senate Bill 28	13	March 26, 2021
Senate Bill 45	14	March 26, 2021
Senate Bill 48	15	March 26, 2021
Senate Bill 54	16	March 26, 2021
Senate Bill 74	17	March 26, 2021
Senate Bill 79	11	March 26, 2021
Senate Bill 109	18	March 26, 2021
Senate Bill 110	19	March 26, 2021
Senate Bill 116	20	March 26, 2021

Sincerely,
TONY EVERS
Governor

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

<u>Act Number</u>	<u>Bill Number</u>	<u>Publication Date</u>
Wisconsin Act 9	3	March 27, 2021
Wisconsin Act 11	79	March 27, 2021
Wisconsin Act 12	10	March 27, 2021
Wisconsin Act 13	28	March 27, 2021
Wisconsin Act 14	45	March 27, 2021
Wisconsin Act 15	48	March 27, 2021
Wisconsin Act 16	54	March 27, 2021
Wisconsin Act 17	74	March 27, 2021
Wisconsin Act 18	109	March 27, 2021
Wisconsin Act 19	110	March 27, 2021
Wisconsin Act 20	116	March 27, 2021

**State of Wisconsin
Office of the Governor**

March 26, 2021

The Honorable, the Senate:

I am vetoing **Senate Bill 38** in its entirety.

This bill, as amended, requires the Governor to submit a plan to the Legislature, no later than 21 days after the effective date of the bill, for when all state employees that were required to perform their duties at the offices of their employment with an agency on March 1, 2020, will return to in-person work at the offices of their agencies.

I am vetoing this bill because it encroaches on the authority of the Governor to administer and oversee employment policies for executive branch agencies. While the required plan would be nonbinding, I object to the interference by the Legislature on executive branch employment policy.

Moreover, our state workers have been on the frontline response of this pandemic, working to serve Wisconsinites through one of the worst public health crises our state has faced. Our state would not have been able to adequately respond to this crisis or provide the support Wisconsinites have needed without our state workers, many of whom have gone well beyond the ordinary call of duty to serve the people of our state in the face of unparalleled challenges. This work should not be discounted or demeaned. These workers deserve our gratitude and respect.

As more individuals are vaccinated, the Department of Administration (DOA) has begun post-COVID-19 pandemic

planning for state employees and agency offices. According to the Division of Personnel Management, beginning April 5, 2021, state facilities managed by DOA will reopen to a larger segment of state employees and the public. DOA continues to collaborate with the Department of Health Services on developing and updating the reopening policies for executive branch agency offices and will adjust capacity guidelines as warranted, with a goal of resuming normal office operations the summer of 2021.

Respectfully submitted,
TONY EVERS
 Governor

**State of Wisconsin
 Office of the Governor**

March 26, 2021

The Honorable, the Senate:

I am vetoing **Senate Bill 39** in its entirety.

This bill allows a student who attends a virtual charter school in a nonresident school district to participate in interscholastic athletics and extracurricular activities in the student's resident school district.

I am vetoing this bill in its entirety because I object to undermining local decision-making by school boards regarding which students may participate in interscholastic athletics and other extracurricular activities. While a resident school district can enforce standards and expectations for its own students who participate in such activities, the resident school district would not be able to do the same for students of non-resident charter schools, as it would have no information regarding the pupil's school attendance or academic performance. The bill would therefore erode the distinction between education-based athletics and community recreation programs by holding students that attend their resident school district and students that attend a virtual charter school in another school district to possibly different academic, disciplinary, and attendance standards.

Furthermore, the bill ignores the funding difference of these pupils for a school district. While a resident school district does not pay an open enrollment payment for homeschooled students, it does pay one to a nonresident virtual charter school for any resident pupil that attends the charter school. Fees a resident school district might collect for interscholastic athletics and extracurricular activities are insufficient to cover the full cost of participation, particularly when you factor in such open enrollment payments.

Finally, in 2017, the member schools of the Wisconsin Interscholastic Athletic Association, a private, member-driven organization which is comprised of public and private schools, voted 52 to 334 against allowing a student attending a nonresident virtual charter school to be eligible in the student's district of residence.

Respectfully submitted,
TONY EVERS
 Governor

**State of Wisconsin
 Office of the Governor**

March 29, 2021

The Honorable, the Senate:

I am vetoing **Senate Bill 183** in its entirety.

The bill provides a role for the Legislature in the expenditure of federal funds related to COVID-19 received by the state from the effective date of the bill until June 30, 2022. Specifically, the bill requires the Governor to submit a plan to the Joint Committee on Finance for any federal funds received by the state related to COVID-19 activities, subject to a 14+day passive review process.

I am vetoing the bill because it is critical to get the federal COVID-19 relief funds in the hands of Wisconsinites and businesses that need it as quickly as possible, and I have concerns that the process outlined in the bill will prevent that from happening. Under the bill, and objection by any committee member could hold up funding for an indeterminate amount of time, as happens not infrequently under the current 14-day passive review process. This would unnecessarily delay the distribution of these funds, many of which have to be distributed according to federal law and using existing formulas.

In Wisconsin, the role of the Governor to oversee use of federal funds under Section 16.54 of the Wisconsin Statutes is clearly established and has been in place for decades, a fact that as confirmed by legislative leadership in a letter they send to me in April 2020. At the same time, I understand the Legislature's desire to know how the funding is being distributed and I am committed to transparency about our effort to meet the needs to Wisconsin's citizens and businesses as quickly as possible.

Respectfully submitted,
TONY EVERS
 Governor

**REFERRALS AND RECEIPT OF
 COMMITTEE REPORTS CONCERNING
 PROPOSED ADMINISTRATIVE RULES**

The joint committee for review of **Administrative Rules** reported and recommended:

Senate Clearinghouse Rule 19-110

Relating to certification for identification, removal, and reduction of lead-based paint hazards.

No action taken on March 29, 2021.

Senate Clearinghouse Rule 19-126

Relating to technical changes to update ETF rules.

No action taken on March 29, 2021.

Senate Clearinghouse Rule 19-136

Relating to administration of the crime victims compensation program.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 19-158

Relating to requests for predeterminations regarding license eligiblity due to conviction records.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-009

Relating to professional land surveyors licensure.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-012

Relating to complex rehabilitation technology and certification.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-014

Relating to designer permits.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-016

Relating to biennial registration.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-017

Relating to continuing podiatric medical education.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-021

Relating to electric weapons.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-022

Relating to scheduling MMB-FUBICA and 4F-MDMB-BINACA.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-023

Relating to scheduling isotonitazene and 1P-LSD.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-024

Relating to changes to rules governing substitute educational interpreter licenses.

No action taken on March 29, 2021.

Senate Clearinghouse Rule 20-026

Relating to certification courses for funeral director apprentices.

No action taken on March 29, 2021.

Senate Clearinghouse Rule 20-037

Relating to reciprocal credentials for service members, former service members, and their spouses.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-042

Relating to reciprocal credentials for service members, former service members, and their spouses.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-049

Relating to scheduling of brexanolone and solriamfetol.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-050

Relating to scheduling of N-Ethylhexedrone, a-PHP, 4-MEAP, MPHP, PV8 and 4-chloro-a-PVP.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-051

Relating to scheduling of noroxymorphone.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-054

Relating to reciprocal credentials for service members, former service members, and their spouses.

No action taken on March 24, 2021.

Senate Clearinghouse Rule 20-057

Relating to private residence elevators.

No action taken on March 24, 2021.

STEPHEN NASS
Senate Chairperson