

February 25, 2020

Governor Tony Evers
Room 115 East, State Capitol
Madison, Wisconsin Legislature

To the Honorable Governor Evers,

38 years ago today, the great state of Wisconsin took an extraordinary step along the road to justice for all. On this day, February 25th, in 1982, Republican Governor Lee Dreyfus signed Assembly Bill 70, prohibiting discrimination based upon sexual orientation in the areas of employment, housing, and public accommodations. After a decade-long struggle to outlaw discrimination on the basis of sexual orientation, this action finally created what was then known as Chapter 112, Wisconsin's Gay Rights Law. Wisconsin was the first state in the country to guarantee these protections in its laws.

Today, we bear witness to a shameful attempt to roll back the advance of history and civility in our state. This session, Assembly Bill 26 was created with the intention of expanding healthcare options and to allow patients and doctors to negotiate the terms of their services through a contract. The bill's authors included protections against discrimination, that were even more generous than those of Wisconsin's Public Accommodations Law, which normally governs access to services provided in healthcare settings. AB 26's protections for citizenship status, gender or gender identity, genetic information, and health status, would have gone beyond the protections that Wisconsin guarantees in current law.

However, *on the day of the vote in the Assembly*, Representative Sanfelippo introduced Assembly Amendment 2 to AB26. This eleventh hour amendment significantly changed the set of protected classes offered in the original bill, replacing the list with a reference to s. 51.90. Democrats in the Assembly recognized that this could have significant implications, and Representative Mark Spreitzer requested that the bill be moved to the foot of the calendar in order to provide them with more time to understand the amendment's effects. His request was denied by the Republican majority.

Upon further review of the changes made to AA2 to AB26, which was adopted along a party-line vote in the Assembly, it becomes clear that Representative Sanfelippo not only rolled back the progressive protections that he brought to the state legislature in his original bill, but actually undermines Wisconsin's Public Accommodations Law. By holding Direct Primary Care Clinics to the list of protections in s. 51.90, language from the Interstate Compact on Mental Health, and not the Public Accommodations law, Rep. Sanfelippo has created a situation where the classes of sexual orientation, national origin, and ancestry will not be guaranteed the ability to use the services of these clinics. It would be up to a court to resolve the difference in statute that this creates, meanwhile those affected could be turned away from care at these clinics.

In the State Senate, my colleagues and I in the minority made an attempt to restore the list of protected classes in the original bill, but were denied along a party-line vote. After our objection to allowing the bill to move forward under an accelerated process, the Senate was required to take it up again on the next day. Despite my attempts to engage my colleagues in the majority in debate over the effects of this bill, Senate Majority Leader Scott Fitzgerald cut off debate *immediately*, silencing the voices of Senators who oppose discrimination.

I find the shady maneuvers used by Representative Sanfelippo to be akin to a bait-and-switch. His original bill was commendable for its inclusivity, but his last minute amendment rolled back the progress made in Wisconsin by 38 years. Some members of the minority in the Assembly made clear that they would have voted for the original bill, but could not support the bill after his amendment was adopted.

I trust you agree with me, that with regard to healthcare, we should be making every effort to expand accessibility. I was under the impression that the legislature could act in a bipartisan fashion to achieve this. Instead we have seen more partisanship used to deny access. For this reason, and to protect people from being discriminated against on the basis of their sexual orientation, national origin, and ancestry, I respectfully call on you to veto Assembly Bill 26.

Sincerely,

A handwritten signature in black ink that reads "Tim". The signature is written in a cursive style with a long, sweeping horizontal line above the name.

Tim Carpenter
State Senator, 3rd District