

Assembly GOP COVID-19 legislation passes committee on party-line vote

Posted on Wednesday, Jan 6, 2021

The Assembly Health Committee split along party lines on a COVID-19 relief package from Speaker Robin Vos after the panel's Dems opted to leave the public hearing early in the proceedings.

The move drew criticism from committee chair Rep. Joe Sanfelippo, R-New Berlin, who said he was disappointed the minority members vacated the hearing room yesterday after the opening roll call.

"We all went through a campaign where every single Democrat candidate to a T talked about the importance of COVID and COVID legislation being needed immediately," he said. "I recognize that throughout the course of the day, we all have different things to do and we're very busy, but there's not any other committee hearings going on today and there's nothing that should supersede the importance of dealing with this COVID legislation today."

Rep. Daniel Riemer, D-Milwaukee, told WisPolitics.com he chose to watch the proceedings from his office because "one less person in the room makes it that much safer."

>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)

"I'm a healthy guy, but I'm not going to put my family at additional risk," Riemer said in a phone interview. "There's a little something you lose by not being there in person, but you weigh the pros and the cons and find you can get the things you need on WisEye, and if I had something I needed to ask, I could run up and ask it."

Rep. Robyn Vining's office indicated the Wauwatosa Dem also left the hearing room over concerns about safety and sparse mask-wearing by the panel's GOP members. Republicans on the committee largely opted against wearing masks and those who

did removed their face coverings to speak.

The committee's Dem members returned later in the afternoon for the executive session and all five voted against the bill. Rep. Jimmy Anderson, D-Fitchburg, virtually attended both the hearing and the executive session, where he criticized Sanfelippo's comments.

Anderson is paralyzed and uses a wheelchair after a car crash with a drunken driver that claimed the lives of his mother, father and brother. The Assembly in 2019 passed a rule package that among other things allowed him to call into committee meetings.

"I've fought hard to get these accommodations so that way I can do this work and represent the people who have elected me and to say that my inability to be there in person because of my disability or because of my extreme precariousness when it comes to this particular disease that we're all working to improve upon as we've seen in this legislation, it hurts me," he said.

Meanwhile, each of the panel's 11 Republicans backed the bill, which now heads to the full Assembly where a floor vote is scheduled for tomorrow.

Much of the testimony on the Assembly GOP COVID-19 relief bill during the public hearing focused on a measure that would provide legal liability protection.

That measure won praise from a number of groups testifying today, including School Choice Wisconsin, the Metropolitan Milwaukee Association of Commerce and Wisconsin Manufacturers & Commerce, among others. Kristine Hillmer, president of the Wisconsin Restaurant Association, added she believes liability protection "can help provide certainty and predictability for restaurants as they work to regain solid footing."

But Heath Straka of the Wisconsin Association of Justice, a statewide association for trial attorneys, knocked the provision, saying it would "discourage citizens and businesses from taking basic safety precautions."

"Picking winners and losers through broad immunity provisions simply does not comport with conservative principles," he said. "It flies in the face of conservative values."

Straka also noted no workplace safety or personal injury cases have been filed in

Wisconsin when quizzed by Greenville Republican Rep. Dave Murphy over concerns about an influx of such cases if the Legislature failed to provide a liability shield. Vos also said in his opening testimony it was his understanding there have been no liability suits filed.

Straka said that's because the plaintiff has to prove both negligence and cause to have a successful suit, with the latter amounting to a nearly impossible bar to clear in the case of coronavirus.

"Since no one can prove to a reasonable degree of medical certainty where that exposure came from or how or why they tested positive, you can't have a winning lawsuit," he said.

WMC General Counsel Cory Fish later testified Straka was "patently incorrect," pointing to among other things a string of lawsuits against cruise lines. Fish also said the "vast majority" of lawsuits are settled long before coming to a jury due to the costs of litigation.

But Straka in an email to WisPolitics.com maintained there have been no such cases in Wisconsin and cited a December Wall Street Journal article that found "negligence lawsuits brought against businesses by infected customers are nearly nonexistent in state and federal courts."

"AB-1 has no safety precautions in it. In essence, it is legalizing negligence since only reckless and wanton actions could potentially be actionable," Straka said in the email. "It is important to protect businesses, but providing blanket immunity doesn't protect anyone."

Gov. Tony Evers expressed disappointment in Vos' bill, though he didn't expressly pledge to veto it.

Evers told reporters on a DHS call that he'd heard about the bill, but hadn't had a chance to review it fully. He planned to do so later today, adding if it included provisions he absolutely couldn't support, the likelihood of a veto was "pretty strong."

Evers continued to argue lawmakers should be taking up the bill he released last month, which he again described as a compromise with Vos and Senate Majority Leader Devin LeMahieu. The two GOP leaders have pushed back on that description.

“They decided to set that side and decided to pass things that they know I may have trouble with,” Evers said.

Vos said late this yesterday Evers couldn't line-item veto the legislation. Guvs can only line-item bills that include an appropriation, and one provision in Vos' bill would allow the Joint Finance Committee to pull money from other appropriations to create a \$100 million fund to cover pandemic-related costs. Vos said he's been assured by the Legislative Fiscal Bureau that provision doesn't open the door to Evers using his partial veto authority.