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Quotes of the Week

He lied to the people of Wisconsin during the campaign last year. He lied to us during the negotiating process, and now it really calls into question his ability to try to find bipartisan compromises like we've been working on this entire year.
– Assembly Speaker Robin Vos, R-Rochester, accusing Gov. Tony Evers of lying about agreeing with Republicans to raise K-12 per pupil funding for the next two years before extending that timeline by four centuries with his partial veto authority.

You know, it's childish to say things like that, that I broke a promise. We never ever talked about what the school funding would look like after these next two years. We talked about it in terms of what is going to happen the next two years, but nothing beyond that. We never talked about that. He knows that. I know that. Senator LeMahieu knows that. So no, I disagree with his assessment. It's easy to say. But he cannot prove that.
– Evers criticizing Vos and arguing they agreed on the near future, but never discussed long-term per pupil funding.

That didn't happen, unfortunately. So I didn't choose the political dynamic of the day, but we're in it. And it's my responsibility to solve it, to get something for the city to stand on in the future.
– Milwaukee Mayor Cavalier Johnson at a WisPolitics-Milwaukee Press Club luncheon criticizing strings attached to the shared revenue deal allowing the city to implement a 2 percent sales tax. He said he wished Dems would have addressed the issue when they controlled state government in 2009-10. Johnson signed the Council-approved ordinance today. Read more from the luncheon and watch the video here.

And if they are not our friends, then they are our enemies. Make no mistake about that, they are our enemies. They're happy or proud that they gave us their bill to implement a sales tax. But one of my mentors always said if you stick a knife in the back nine inches, and pull it out six inches, there's still no progress.
– Milwaukee Ald. Russell Stamper ahead of the 12-3 Common Council vote blasting

the GOP-backed provisions in the deal. He said those who negotiated the deal have had it in for Milwaukee since at least former Mayor Tom Barrett took office in 2004, but didn't specify names or political parties.

Political Stock Report

-A collection of insider opinion-
(July 8 – 14, 2023)

Rising

Tammy Baldwin: It's a good number. And even if one of her potential GOP challengers decides to write a big check, he may have a hard time keeping pace, insiders say. Ahead of the FEC's filing deadline, the Madison Dem announces she raised $3.2 million during the second quarter. Her campaign says that is the most ever raised by a Wisconsin Senate candidate for a quarter in a non-election year, topping the $2.5 million she pulled in for the same quarter of 2017. She's also now raised $5.3 million for this cycle, putting her ahead of the pace of her successful 2018 reelection bid, when she pulled in $30.9 million. That contest didn't turn into much of a race as GOP nominee Leah Vukmir financially struggled, helping Baldwin romp to a more than 10-point win. With a presidential contest on the ballot, don't expect a blowout next year, even if the Senate race is less than a top-tier contest, some argue. Wisconsin is too purple and too important in the race for the White House to see national forces skimp on Wisconsin. What's more, there are economies of scale to spending in the state, which is expected to be among the handful that decide the presidency. Along with the race for the White House, there's the Senate seat, a couple of House districts that could be in play and races for the Legislature that could be impacted significantly by the prospect of a new map. Still, the pecking order for Republicans looking at U.S. Senate pickup opportunities clearly begins with West Virginia, Ohio and Montana, with Wisconsin somewhere on the second- or third-tier. Just where Wisconsin lands on that list of priorities could have something to do with what the fundraising picture will look like here. GOP U.S. Sen. Ron Johnson, a modest fundraiser over his career, pulled in nearly $36 million from 2017-2022 as he won re-election by 1 percentage point, according to Open Secrets. Meanwhile, Dem challenger Mandela Barnes raised $41.6 million, even as many nationally believed Johnson had effectively put away the race by late September. Considering the power of incumbency and the rate of inflation, insiders can see Baldwin topping the $50 million mark even if her race doesn't edge into the top-tier. That has many expecting businessmen Eric Hovde or Scott Mayer — or both —

having to look at writing a check for $20 million if they want to be taken seriously. While that would be a massive commitment of personal resources to the race, anyone writing a check like that would still need outside help to be on par with Baldwin financially in the contest, insiders say. And the wealthy candidate model has its drawbacks. Just look at Tim Michels' bid for guv last year, some note. The construction business exec pumped $19 million into his bid and struggled to get donors excited about the prospect of cutting checks of their own. Part of that was Michels' own doing by suggesting he would fund his campaign for the GOP nomination on his own. It created an expectation that he could cover the tab right through November, some say. As FEC reports roll in this weekend, Baldwin will detail what she spent in the quarter and how much she had in the bank. Insiders also will be watching to see if U.S. Rep. Tom Tiffany, R-Minocqua, ramped up his fundraising significantly from the $37,195 he pulled in during the first three months of the year before he started flirting publicly with a Senate run. Insiders have been skeptical that he'll pull the trigger and launch a bid for the Senate, with some arguing this has been more about raising his profile for a future statewide bid. Some argue Tiffany will have to put up a decent number in the quarter to prove he should be taken seriously as a possible candidate for the U.S. Senate.

Budget surplus: The state is set to be flush with cash. Again. It raises the question for budget watchers of whether there's a deal to be had with that extra $4 billion projected to be in state coffers — and if there's even an appetite to negotiate after Dem Gov. Tony Evers used his veto pen to create a 400-year commitment to increase school spending annually. The nonpartisan Legislative Fiscal Bureau provides an updated look at the state of the general fund after Evers' partial vetoes of the budget. The net impact of his moves reduced general purpose revenue spending by just $6 million. The biggest change, though, was Evers nixing a GOP plan to reduce the top two income tax brackets, which means about $2.7 billion remaining in the general fund rather than going to those cuts for wealthier Wisconsinites. The guv also vetoed a GOP provision directing the Department of Revenue to update withholding tables to reflect the tax breaks included in the Legislature's budget. That means another $603.4 million in the general fund. The state's projected ending balance for 2023-25 also will get a boost from the additional interest the state is in line to earn due to the money sitting in the general fund, including $51.3 million more in 2023-24 and another $98.5 million in 2024-25 compared to what the state would've seen under the budget Republicans sent to Evers last month. That version of the budget would've finished the biennium with a gross balance of $587.8 million. Republicans decry what would've been and the

prospects of leaving all that money in the general fund, even though they did the same thing two years ago when they were hoping the 2022 election would produce a GOP guv they could work with on using the funds. So will they decide to do anything with it? Assembly Speaker Robin Vos, R-Rochester, vows to send new tax breaks to Evers' desk later this year, possibly even the same reductions that the guv just nixed. And Evers vows to reject anything they send his way if it looks like what he just vetoed. Once things get beyond that kind of posturing, insiders note the first step for any new tax breaks would be to get the Assembly and Senate Republican caucuses on the same page. The Senate GOP is seen as favoring a reduction to the top tax bracket of 7.65 percent more than its Assembly counterparts. And Senate Majority Leader Devin LeMahieu, R-Oostburg, has been the leading proponent in the Legislature of moving the state to a flat tax, something Evers has vowed to oppose. While Republicans would prefer not to have a ton of cash sitting in the general fund, a big surplus going into the 2025-27 budget could also be the foundation for a GOP push to flatten the tax code even more than the plan Evers nixed. If Republicans want to get something done — and avoid another Evers veto — they could play around with things like the standard deduction, to reduce the amount of taxable income for all filers. But would that be big enough to get both caucuses on board? Republicans also could go after the marriage penalty, though that would mean a cut for top earners, too. And there's the option of a rebate along the lines of what Evers had proposed. Still, that proposal would've started to phase out for married couples at incomes at $150,000 before going away for those above $175,000. That's simply not high enough for Republicans, some say. One frustration for Republicans is the implications of Evers' veto of changes Republicans wanted to make to the second-highest bracket. Some get the guv nixing the proposed reduction in the top rate, which kicks in for married joint filers at more than $405,550 of income. But the move to take the second-highest bracket to 4.4 percent from 5.3 percent is a bit more surprising. Yes, that covers income up to $405,500 for married joint filers. But it also starts to kick in at $36,840 for those same taxpayers, meaning it covers an awful lot of the middle class. So is Evers sending a message that he doesn't want to cut taxes on income above $37,000? Beyond that, is there a path to compromise with Evers? Before Republicans would even think about that, some say, they'd need the next couple of months for tensions to cool. After Evers used his veto pen to write into state law annual increases in per-pupil spending over the next four centuries, Vos ripped into the guv for lying to GOP lawmakers in negotiations. Evers, meanwhile, rejects the suggestion, which he calls "childish." Some note there are three people — and some of their top aides — who know what was really said during those talks: Evers,

Vos and LeMahieu. And insiders note LeMahieu and his caucus aren't calling Evers a liar, unlike Vos and some of his fellow Assembly Republicans. The lack of backup on that claim is telling to some. To them, it's all bluster from Vos because Evers and his staff found something Republicans missed and used it to their advantage. For one, the guv has spent his career advocating for increases in school spending and believes there should be automatic increases built into state law like there were before Republicans took control of the state Capitol more than a dozen years ago. Two, some of his public education advocates were unhappy with the budget, believing Evers should've gotten more out of the deals he struck with GOP lawmakers, especially with the increases he agreed to in state-funded vouchers for the choice and charter programs. To some Evers allies, that criticism was unfair because it doesn't take into account the big picture of the guv reaching a deal with GOP leaders that included a financial lifeline for Milwaukee County and the city through the shared revenue bill that was part of the overall agreement. Building in those annual increases — though they'll likely be changed well before the next 400 years are over — has gotten the guv back in the good graces of his education allies. Others want to know exactly what was the supposed lie Evers told. Did he really pledge he wouldn't create a 400-year veto? For some GOP lawmakers, maybe the better term would be a bait and switch, though they don't view it much differently from a lie. The deal that was struck was for a two-year plan with nothing about the future years. It's deceitful, to them, to find a way around that. And whether it's a lie or not, it will make it hard to negotiate with the guv going forward, they say. Things were rocky between Evers and Vos during his first term. LeMahieu has had a bit better relationship with the guv than his Assembly counterpart, though insiders note Vos and the guv didn't set that bar very high. Still, all three did strike deals on shared revenue, vouchers and K-12 funding. That's more than anyone could say about Evers' first two budgets. Some argue there's still a path toward a deal — once everyone has had the rest of the summer to get away from each other. Mix in some new tax cut with funding for the child care subsidies Evers so badly wants, and everyone could sing kumbaya again this fall. Others don't think Assembly Republicans have an appetite for any state tax dollars going to child care subsidies — or a deal with Evers. Just keep sending him tax cuts to veto to put pressure on the guv and the few vulnerable Dems left in the Legislature, some argue. If the Capitol goes back to a stalemate, then it'll be the same conversation all over again in two years as the guv pushes to use the surplus to pump up education spending — and maybe another version of his middle-class tax cut mixed in — while Republicans push for some massive overhaul. Maybe, some note, it would be a different conversation in 2025 if new legislative maps ahead of the 2024 elections

result in a new cast of characters in the two houses.

Mixed

Rebecca Cooke: The former small business owner is first to announce plans to seek the Dem nomination for the 3rd CD to take on freshman GOP U.S. Rep. Derrick Van Orden. She likely will have company, insiders say. This comes amid uncertainty over what the district's lines will look like next fall, a prospect that could give Dems a boost in their attempt to retake the district. Cooke placed a surprisingly strong second in a four-way Dem primary last fall, taking 31.1 percent as state Sen. Brad Pfaff, of Onalaska, won the party's nomination with 39 percent. Within a week of Pfaff losing to Van Orden by 4 points — after national Dems abandoned the race — Cooke was already signaling her intention to take another shot at the seat, suggesting it would be better to avoid a crowded primary in 2024 to take on Van Orden. That ruffled some feathers among insiders, who believed Cooke was too quick to signal her intentions for 2024 and more deference should've been shown to Pfaff so soon after his loss. Likewise, some bristle at Cooke's entrance to the race now. The Democratic Congressional Campaign Committee realizes it missed an opportunity in 2022 when it didn't invest in the race, and some believe the calvary is coming this time. Cooke seems to be trying to angle her way to the top when there are others with profiles — at least on paper — that seem to match up better with Van Orden, some argue. Others are dismissive of that attitude. Aggressive candidates don't wait their turn. They seize the opportunity. Cooke needs to raise money and lock up endorsements as others take a closer look at getting in, and there's no point in deferring to some old guard that has interests elsewhere. To back up that point, some point to Cooke's announcement that she raised $100,000 in the first 72 hours after her bid — a pretty decent haul considering she raised $158,404 in the fourth quarter of 2021 after announcing her last bid two weeks after the three-month period began. The list of others who are expected to look at the race include Pfaff. But insiders aren't sure he'll pull the trigger. For one, he's got two maps to take into consideration. There is the wide expectation that a lawsuit will be filed challenging the GOP-drawn legislative lines that the state Supreme Court put in place last year. Now that the court will flip Aug. 1 to a 4-3 liberal majority after newcomer Janet Protasiewicz campaigned on "fair" maps, there's an expectation that a lawsuit to put new lines in place would have a pretty good chance of succeeding. And that could create a path for Dems to retake control of the state Senate. Some are also watching to see if a challenge is filed to the congressional districts, though insiders agree the legislative suit is likely to take

precedence. Even if there's a new congressional map, some note, Pfaff would have to give up his seat in the state Senate for a run after getting a free pass in 2022. Considering he'd be up for reelection for the first time to the La Crosse-based Senate seat, it might be better for him to focus his attention there. Meanwhile, retired CIA officer Deb McGrath says she's still "strongly considering" another run and believes there will be more national attention on the race this time around. On paper, McGrath has a profile that seems the perfect foil for Van Orden. Between her time in the CIA and as an Army officer, she could go toe-to-toe with him on some issues. What's more, it wouldn't hurt to have a female candidate to make a case on abortion against Van Orden, some argue. Still, it gives some pause that McGrath had all that going for her and a dad who once represented the 3rd CD to boot, and she still finished a distant third in the Dem primary at 19.1 percent. Some believe there's an element of the Dem establishment that's itching to get behind McGrath and her resume. But if she's really the best candidate to take on Van Orden, she needs better people around her this time, more money and improved ads, some say. Then there are others who are kicking the tires on a bid. State Rep. Katrina Shankland, the Stevens Point lawmaker who passed on a run in 2022, touts her record winning races in a seat that includes rural areas where Dems have struggled in recent years. Still, insiders note the possibility of a new map would weigh heavily in her considerations. Stevens Point is connected to the 3rd via some pretty red territory that could be shaved off under a new map to pick up more Dem/friendly areas closer to Dane County. What's more, she's a proven winner in her Assembly district. If a new legislative map made that a tougher seat to hold, would it influence her to stick to a reelection bid to boost the team? Tara Johnson, a former chair of the La Crosse County Board who spent 20 years on the body, says he's considering a bid. But with the others who are looking at the race already, some wonder how she'd cut a unique lane in a crowded primary. WEDC CEO and Secretary Missy Hughes, of Viroqua, is also giving it a look. As a member of Gov. Tony Evers' cabinet who has focused on business development, Hughes could be an interesting option, some say. But it's hard to say how she'd be on the stump. Plus, it'd be hard to stay in the administration and run for a congressional seat. Would she be willing to give up that gig to join a potentially crowded field? Dems still kick themselves over the national party abandoning the 3rd last fall, believing it was a missed opportunity. Republicans, though, caution not to assume Van Orden is all that vulnerable. He may cut a combative profile on social media, and he didn't exactly play nice with local reporters ahead of the 2022 election. But the new ag committee member has been in the local media plenty recently for his roundtables on ag issues and other things important to the district, all of which creates a more bipartisan look to voters.

And he's avoided bomb throwing in the House. Add in he's been putting up healthy fundraising numbers, and some Republicans argue he's in pretty good shape for reelection. Then there's the Donald Trump factor. The former president would seem to make it harder for Republicans to do well anywhere east of a line that extends from Green Bay to Madison. But if Trump is the GOP nominee in 2024, some believe, it would actually be a boost to Van Orden's chances considering how Trump did there in 2016 and 2020. The best time to beat an incumbent, insiders say, is during their first reelection bid. And if the DCCC is really serious about this race, it won't just lay down a two-week buy at the end of the campaign — which is what it did last year before dropping those ads down the home stretch. Instead, it would start spending some time closer to late September or early October next fall if it wants to get voters' attention. While there's a crowded field of possible Dem candidates in the 3rd, recruitment has been a little slower in the 1st. And part of that is not knowing what the map will look like. The lines put in place in 2022 make the 1st a little swingy, but with a GOP lean. Even with that, U.S. Rep. Bryan Steil, R-Janesville, won reelection with 54 percent of the vote against underfunded Janesville attorney Ann Roe. Steil isn't waiting around to see if Dems can mount a stronger challenge this time. His campaign announced this week that his political operation pulled in more than $900,000 during the second quarter, including $827,000 through his personal campaign account. Steil also will report more than $2.85 million cash on hand in his personal campaign account, well ahead of the $920,777 he had in the bank at this point two years ago before winning a third term. Some argue that a good map can negate good numbers. Still, Steil would be no easy out if his district has an even split when the dust settles, some say.

Bob Tatterson: Considering he won less than 39 percent of the vote in the district just eight months ago, there isn't much reason to believe the retired engineer can win the 24th AD in next week's special election. But he isn't fundraising like it's a lost cause. Tatterson outraised GOP rival Paul Melotik nearly 3-to-1 in the lead up to the special election. And it isn't just a case of the state Dem Party — which is typically flush with resources — pouring money into his campaign. Tatterson, of Mequon, has reported more than 1,000 contributions to his campaign since launching his bid after Republican Dan Knodl resigned the seat this spring following his win in a special election for the 8th SD. So far, the only money he's received from the state party or the Assembly Democratic Campaign Committee are in-kind donations for staff expenses. The rest is largely coming in through small contributions — and most of it from Wisconsin donors. Melotik, meanwhile, isn't putting nearly the same effort into his fundraising. And maybe he doesn't need to

considering how Republican the district is. The Ozaukee County supervisor reports fewer than 50 donations as he pulled in $37,251. And committees accounted for just more than three-fourths of what he raised, suggesting the absence of a deep grassroots network of supporters. Some, though, argue there were some complicating factors. The ADCC challenged Melotik's nomination papers, seeking to knock him off the ballot. After the Elections Commission rejected that complaint June 1, the ADCC appealed the decision in Dane County Circuit Court, and it took another two weeks before a judge rejected the challenge and put the issue to bed. That helped create a late start for fundraising. Still, the numbers are part of what has some Republicans antsy heading into the special election. But they add the Republican Assembly Campaign Committee has been assuring people there's nothing to worry about. Members are doing doors and the district is so Republican that there shouldn't be anything to sweat about. On that front, he's getting some late in-kind donations from RACC and the state GOP, reporting a combined $19,736 from the two in the closing days of the race. Insiders note neither side is seeing outside groups putting independent expenditures into the campaign, meaning it's largely a race pitting the two Assembly caucuses against each other on the doors — and that fight should be tilted heavily in favor of Republicans. Dem Gov. Tony Evers took just 42.2 percent of the vote in the district last fall even as he was winning statewide by 3.5 points, while U.S. Sen. Ron Johnson, R-Oshkosh, got almost 60 percent while winning his race by 1 point. Insiders note turning people out for a special election at an odd time is never easy. Add in the area also had a special election for a state Senate seat on the April ballot alongside the race for control of the state Supreme Court, and voters are a little tired. A win here for Dems would give them some extra breathing room in a veto override vote. Right now, if the GOP holds onto the seat, Republicans would need two Dems to help them get to a two-thirds majority. A Dem win would require three crossovers. Dem groups, though, don't see the seat as a top pickup opportunity. For one, it's so Republican the most likely outcome is that it's a closer race next week than it should be on paper, they say. Two, it will be a better use of resources to target Assembly seats if a new map is in place after the expected challenge to the GOP-drawn lines is filed. Republicans would be hard-pressed to get any Dems to join them on a veto override, they argue, let alone two. A third wouldn't matter that much in the grand scheme of things. Melotik should be fine, insiders say, though he shouldn't take anything for granted in a low turnout special election. Still, some wonder how good a candidate Melotik would be if there are new maps in place for the 2024 elections and the solidly red seat is suddenly a shade of purple. His poor fundraising for this race could be a warning of how he'd do in that situation, some say. In the near future, RACC

appears unconcerned. The group is doing a $500-a-head fundraiser for Melotik in the Wisconsin Dells — one week after the special election, according to an invite shared with WisPolitics. The caucus will be in the Dells for its regular golf outing fundraiser July 24, and the breakfast fundraiser for Melotik ties into the event. Smart way to get lobbyists to pony up for the — potential — new guy to kickstart his fundraising for 2024, some say. It's also a sign to some that the caucus knows Melotik is going to have to step it up if he does win as expected Tuesday and the seat turns more competitive next year.

Falling

Towns road funding: Wisconsin's towns have lots to celebrate in the shared revenue bill that GOP lawmakers and Dem Gov. Tony Evers negotiated with a nearly 157 percent increase in state aid coming their way next year, a collective boost of $65.6 million. They've also got some other boosts coming their way. Still, one of Evers' vetoes that flew under the radar will mean about $10 million less for some of the state's smallest municipalities to cover road work, leaving them fuming about the surprise move. The state's general transportation aids program pays local governments to assist with the maintenance, improvement and other costs for local roads with two funding options. One, dubbed share of costs, covers a percentage of the six-year average of expenses. The other uses a rate multiplied by a local government's jurisdictional miles. For the most part, towns mostly use the latter, which has the first draw on the overall money available. Evers included 4 percent annual increases in the aid, including the mileage rate, while the Legislature sent him back increases of 2 percent each year. That included taking the current mileage rate of $2,734 to $2,789 in calendar year 2024 and then to $2,845 in 2025 and thereafter. Even though Evers had proposed a bigger boost in the mileage rate than what Republicans sent back to him, the guv nixes that 2 percent increase. In his veto message, Evers cites the "disparate impact" of the 2011-13 state budget, which cut 6 percent from the aid going to communities that go the share of costs route. The impact, according to the Wisconsin Towns Association, is $10 million that would've gone to its members through the mileage increase will instead shift to larger communities. WTA Executive Director Mike Koles knocked the move, saying, "This veto picked winners and losers. It picked the cities and villages over the rural areas." Republicans also slam the guv with GOP Sen. Cory Tomczyk, chair of the Transportation and Local Government Committee, charging the guv continues to "stab small towns and rural Wisconsin in the back." Others, though, urge some perspective. While Wisconsin's towns — and some smaller villages — will miss out

on that $10 million, WTA members are also looking at huge increases in county and municipal aid. Then there's the new $150 million program for agricultural road improvements. It will reimburse locals up to 90 percent for costs of projects that provide access to agricultural lands or producer facilities — with the expectation that money will largely flow to rural areas. Then there's the one-time funding of $100 million to a local roads improvement program that includes grants with 35.6 percent going to counties, 39 percent to municipalities and 25.4 percent to towns. Yeah, the $10 million stings, some say, but there's a whole lot of other good stuff for towns in the budget even after Evers' vetoes.

Abortion ban: A Dane County judge has essentially laid out the road map of how she'd find consensual abortions are again legal in Wisconsin. It remains to be seen whether the state Supreme Court will follow it — or find its own path. The state's 1849 abortion ban — resurrected following the U.S. Supreme Court's Dobbs ruling — is on a collision course with the incoming liberal majority on Wisconsin's top court, with a heavy expectation that it will be negated in some fashion. After all, liberal Justice-elect Janet Protasiewicz campaigned heavily on the ban and how she believed it stripped Wisconsin women of their right to choose. Before the case gets there, though, the challenge originally filed by Dem AG Josh Kaul will first weave its way through the Dane County Circuit Court and possibly an appeals court before the justices could get a crack at it. Already now more than a year old, the case sees its first significant ruling when Judge Diane Schlipper rejects a motion from Sheboygan County DA Joel Urmanski — one of three prosecutors who are defendants in the suit — to dismiss the case. In doing so, Schlipper finds "there is no such thing as an '1849 Abortion Ban' in Wisconsin" and instead the 174-year-old law only applies to infanticide. The ruling allows a group of doctors — who intervened in the suit and had argued the 1849 law doesn't apply to consensual abortions — to continue with their claims. Her ruling doesn't address the merits of the case, though legal observers take it as a clear sign of how she's going to land when it's all said and done. Schlipper also focused much of her 21-page ruling on a 1994 ruling from the state Supreme Court involving a man who was convicted of punching his pregnant wife in the stomach, resulting in the death of her fetus that had been due five days later. The court ruled a section of the 1849 law clearly applied to infanticide and was not an abortion statute. Since the wording of that section and the one interpreted to ban abortions except to save the life of the mother are so similar, Schlipper finds it would be inappropriate to conclude one applies to abortion and the other to infanticide. With the dismissal out of the way, the two parties are now working on the next steps, including a briefing schedule

that could lead to a decision on the merits by early fall. Those following the case are also trying to figure out one line in Schlipper's ruling that claims that the law "prohibits abortions are dismissed with prejudice." In his arguments to the court, Kaul had raised a series of challenges, including the argument that it hadn't been used in so long that it was no longer enforceable. He also contends other updates to the abortion law since then have nullified the 1849 statute. It's not entirely clear whether Schlipper's line pertains to Kaul's arguments or those raised by Urmanski, and that will be flushed out in the coming weeks. While Schlipper's focus in rejecting the dismissal was squarely on the arguments raised by the doctors, legal experts note there's a chance the state Supreme Court — if the case ultimately lands there — could ask the parties to brief other issues pertaining to the law and arguments about its validity. It's not something the court regularly does, they note, but it's within its purview. In the meantime, it's expected those challenging the law will soon seek an order making clear that abortions can again be performed in Wisconsin. Meanwhile, some Republicans wouldn't mind if the whole case were resolved as far out from the 2024 elections as much as possible to perhaps take some heat off the issue after it played into the state Supreme Court race this spring and the November races.

Kaul pushes back on WMC lawsuit, argues DNR has authority over CAFO permit regulations

AG Josh Kaul today urged a Calumet County judge to dismiss a lawsuit by the state's largest business group targeting regulations of large farms, refuting claims they conflict with federal law.

Wisconsin Manufacturers & Commerce filed the lawsuit in May on behalf of Venture Dairy Cooperative and Wisconsin Dairy Alliance, arguing the DNR can't require concentrated animal feeding operations to acquire wastewater permits before they discharge a pollutant to navigable waters.

Environmental advocates say pollution from manure is a major cause of drinking water pollution. But Clean Wisconsin spokesperson Amy Barrilleaux told WisPolitics it could affect other areas, too.

“It is a significant threat to Wisconsin’s water resources, to public health, and to all the sectors of our economy—including tourism and agriculture—that rely on clean water. This lawsuit is legally wrong and environmentally destructive,” Barilleaux said.

The dairy groups’ argument relies on federal circuit court decisions in 2005 and 2011 finding the Environmental Protection Agency can’t require a CAFO to obtain a permit before it actually discharges to navigable waters. They argue DNR’s policy conflicts with federal law.

Venture Dairy Cooperative Executive Director Kim Bremmer told WisPolitics opponents are mischaracterizing the legal challenge. She said the group is simply asking DNR to follow the law and the state will still have regulations in place to protect water quality if the lawsuit is successful.

“And when you boil it all down at the end, whether you have a permit or not, if you pollute water, you’re held accountable, regardless of how many animals you have on your farm,” Bremmer said.

In today’s response on behalf of DNR and the state Natural Resources Board, Kaul denied DNR policy conflicts with federal law.

The filing asserts dairy groups don’t have legal standing and that the lawsuit is based on “unripe” claims, which are based on future events that may not occur as predicted or at all. It also argues the plaintiffs failed to demonstrate how DNR policy would actually interfere with or impede their legal rights.

CAFOs have pushed back on DNR regulations, arguing they are overly stringent, while environmental groups have fought to protect them. In 2021, the state Supreme Court ruled in favor of Clean Wisconsin, finding the DNR has the authority to subject large farms to permit restrictions.

Midwest Environmental Advocates Staff Attorney Adam Voskuil told WisPolitics if the lawsuit is successful, there would effectively be no permits for CAFOs and no regulatory oversight by DNR or EPA.

“It removes accountability for CAFOs and removes kind of a primary regulatory tool for CAFOs,” Voskuil said.

DNR regulates pollutants going into the state’s waters through the Wisconsin Pollutant Discharge Elimination System program.

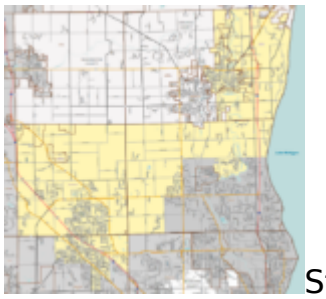
The program includes permits for stormwater, wastewater and CAFOs. Some higher-quality waters have additional protections, such as prohibiting additional pollutant discharges entirely or only allowing them under specific circumstances.

Wisconsin farms that have more than 1,000 animal units are designated as CAFOs, though DNR can designate smaller farms as CAFOs if they discharge pollutants to navigable waters or contaminate a well. CAFOs are required to have WPDES permits to ensure water quality is protected. Those permits have a variety of requirements, including for manure spreading on land.

See the WMC lawsuit.

See today’s filing.

24th AD candidates Tatterson, Melotik differ over tax cuts, K-12 revenue limits



Startup investor and former engineer Bob Tatterson hopes his second bid for the GOP-leaning 24th AD will be enough to put the district in the Dem column.

Melotik squares off Tuesday against Republican Ozaukee County Board Supervisor Paul Melotik for the vacant post.

The two candidates vying for state Sen. Dan Knodl’s old Assembly seat north of Milwaukee spoke with WisPolitics in separate virtual interviews this week. The Germantown Republican in April won Sen. Alberta Darling’s former 8th Senate

District seat after she announced she would not seek reelection, leaving a vacancy in the Assembly.

Republicans already have a supermajority in the Senate, but they still need to pick up two Assembly seats and win next week's special election to get an Assembly supermajority and trump Gov. Tony Evers' veto pen.

Tatterson, who lost to Knodl in November last year with 1,231 votes to Knodl's 19,397, said redistricting representation not reflecting his family's values prompted him to run.

The Ohio native now living in Mequon, 58, applauded Evers' budget vetoes axing Republicans' proposed tax cuts to the top two income brackets. Still, he said he wants to see what he called a true middle-class tax break.

"And what was initially proposed by the Governor, I would characterize as a middle-class tax cut in that most of the benefits were going to most of the people," he said. "What subsequently passed the Legislature did not represent that."

Melotik, 66, who previously owned and operated McGillycuddy's Bar and Grill in downtown Milwaukee, on the other hand, said he doesn't support the veto.

"You know, as a small businessman, I think people having their own money, that generates a lot of pro-growth business income from people that get to keep their money, and I think they know how to spend it better than the government, in general," he said.

Evers' vetoes also created a provision that would raise K-12 per-pupil revenue limits in every school district for 402 years. Republicans' budget would have raised the limits for just the next two years.

Melotik said, "I don't even know that's legal. I mean, it's supposed to be a two-year budget."

Still, he said he was "very much in favor" of increased education funding, pointing to the two-year increase originally in the Republican-authored budget before Evers extended it by four centuries.

"I want to see education and teachers and schools be properly funded," he said. "And I think that's a judgment that the Legislature and the governor needs to make

every two years and see what the situation is at the time."

Tatterson largely supported the increase, adding the "limit" wording in revenue limit is important because that gives school districts the chance to decide if they actually want to raise taxes to increase revenue.

"But I think what's important is that we sit down every two years and have good faith negotiations around what our priorities are in the state for public safety, public schools, public infrastructure, and work collaboratively within the bounds of our revenue to come up with a budget that works," he said.

Evers' vetoes also mean the state will likely start the next budget cycle with a more than $4 billion surplus. And while both candidates stressed the need to invest in public safety and tax cuts, they differed on specifics.

In addition to prioritizing the middle-class tax cut, Tatterson said he also wants to invest in emergency medical services, which he noted would mean more shared revenue funding.

He told a story of helping two drivers, one drunk, involved in an accident that left the woman who wasn't drinking badly injured. Tatterson said after calling for help at about 2 a.m. they had to wait about 15 minutes, "and, you know, that was agonizing for her."

"As I've talked to fire chiefs, you know, the reality is the baby boomers are getting older," he said. "The call volumes on EMS services are up and up. And the revenue is flat-to-down, so there is just a terrible pinch."

Melotik, a Grafton resident of 25 years, said he also wants to see more tax cuts in the next budget. But he wants to the cuts to the top two income brackets, as proposed by Republicans in the budget, to avoid the governor's veto pen. He also wants more public safety funding.

"I know we put some things in the budget about public safety, but for me, I want to make sure it's not just law enforcement of course, but fire, EMS, dispatch workers, I mean, even talking about the district attorneys," he said. "I'd like to make sure that we have proper funding for law enforcement."

Further shared revenue increases would help local governments deal with road repairs too, he added.

Assembly Speaker Robin Vos in the shared revenue deal successfully pushed for a new innovation fund with $300 million dedicated to promoting local governments consolidating services in search of cost savings without reducing service quality.

Several Milwaukee-area suburbs have had success with consolidation. The North Shore suburbs have a consolidated fire department with each other, similar to Mequon and Thiensville.

Melotik and Tatterson said service consolidation is the right path forward.

That kind of framework would especially help the more rural northern part of Ozaukee County, which covers much of the 24th AD, Melotik said.

“They need help in trying to make sure that all residents are covered with proper EMS and fire,” he said. “So I very much believe that that’s a need in Wisconsin. I’d like to pursue that more. I think my experience on the local level will help me in Madison on that issue.”

Tatterson also said he supported consolidation, but argued it depends on the situation.

“As an engineer, I’m a bit of a wonk, so I’m always looking for efficiency,” he said.

“I think where it gets challenging is, you know, the realities of geography,” he added. “So I know there’s been discussions like, could Cedarburg and Germantown merge? Well, they’re geographically quite far apart. And there’s a lot of very sparsely populated land in between those urban centers.”

Tatterson is a former GE executive who lived in Indiana and moved to the Milwaukee area 17 years ago. He later became an executive at Brady Corporation before working at Sealed Air Corporation and then leaving the corporate world. He now focuses on advising and investing in various startups.

Tatterson noted his dad, a farmer, served 35 years as a volunteer firefighter. He said that example helped inspire him to public service.

“So I spent a lot of my childhood hanging around the firehouse, and as soon as I could, I joined the volunteer fire department myself,” he said. “And really that got my passion ignited in terms of public service.”

Meanwhile, Melotik has served on the Ozaukee County Board for 11 years and for six years on the Grafton Town Board. He has chaired the County Board's Finance Committee for five years and previously chaired the Public Safety Committee. He is also part owner of the Fire Ridge Golf Club.

His background is in accounting and business administration, and he said his business and local government experience will help him represent the district.

"So those experiences, I think, are very helpful to me, again, to represent the voice for the 24th district," he said. "The experiences I've learned on a local level, I think will be very helpful when I get to Madison, hopefully."

Listen to the interview with Melotik here.

Listen to the interview with Tatterson here.

Capitol Chats: Health Secretary Johnson says Wisconsin abortion ban a barrier to attracting med students

Department of Health Services Secretary Kirsten Johnson tells WisPolitics' Capitol Chats podcast that Wisconsin's abortion ban will hurt the state's ability to attract med students, calling the lack of abortion access a "travesty."

"Again, it's part of reproductive health. This isn't a conversation about whether it's right or not, it's about women having access to the health care they deserve and need," Johnson said. "And I think it's really, it's going to hurt our state in terms of being able to attract medical students and residents who are interested in OB/GYN."

AG Josh Kaul is involved in an ongoing lawsuit arguing the ban is outdated and can't be enforced. Just last week, a Dane County judge ruled that 174-year-old law actually only applies to feticide in rejecting a motion to dismiss a challenge to the ban.

The issue is ultimately expected to land before the state Supreme Court, which will have a new liberal majority with the swearing-in of Justice-elect Janet Protasiewicz on Aug. 1.

Gov. Tony Evers appointed Johnson, who was previously Milwaukee's health commissioner, in February to fill a vacancy left by former Secretary Karen Timberlake. Before serving the city, Johnson was director and health officer of the Washington-Ozaukee Public Health Department.

Johnson during the interview said some of her priorities moving forward include ensuring health care access across the state, whether it be in urban or rural communities, educating the public about Medicaid, supporting mental health providers and ensuring access to mental health crisis services.

Johnson said DHS saw some wins in the recently signed two-year state budget, including funding for nursing homes and long-term care, as well as increased rates for hospitals.

"I think the piece for me that's really missing is the Medicaid expansion, which we anticipated, and that was not a surprise to anyone," Johnson said.

Wisconsin is one of 10 states that haven't accepted additional federal funding to expand their Medicaid programs. The expansion would provide coverage to an estimated 89,700 people and generate $1.6 billion in savings.

Johnson said leaving that money out of reach is "a miss and a loss for Wisconsinites."

Assembly Speaker Robin Vos, R-Rochester, has said Medicaid expansion will never happen under his leadership, arguing people who need coverage already qualify. Republicans have dismissed it as an expansion of welfare.

Johnson also said it's "really unfortunate and a tragedy" that the budget didn't include a proposal to extend postpartum coverage from 60 days to a year.

"We have significant health disparities in maternal child health in Wisconsin and women who have had children, and who have given birth absolutely deserve to have coverage," Johnson said. "And we know that that would reduce chronic disease and other instances of illness postpartum."

Johnson said she is hopeful legislation will be passed to implement the change. SB 110, a bipartisan bill that would extend the coverage to a year, was unanimously approved by the Senate Insurance and Small Business Committee late last month.

Johnson said the agency will also be working to rebuild trust and credibility related to vaccines, saying it's unfortunate that vaccines have become a political target.

She argued the anti-vaccine movement existed long before the COVID-19 pandemic, but "it's gotten stronger" over the course of the health crisis.

In March, the GOP-run Joint Committee for Review of Administrative Rules again rejected a DHS requirement that Wisconsinites get a meningitis vaccine in seventh grade and a booster in 12th grade.

Johnson called JCRAR's decision "unfortunate," noting vaccines prevent severe illness and death.

"And we need a certain threshold of children … to be vaccinated to assure that the disease doesn't circulate in our population. And we're seeing that the vaccine uptake rates in children are declining, and that's a risk for everyone's children," Johnson said.

Listen to the full Capitol Chats interview with Johnson.

Political TV

(Check local listings for times in your area)

"UpFront" is a statewide commercial TV news magazine show airing Sundays around the state. This week's show, hosted by GERRON JORDAN and MATT SMITH, features an interview with JOE CUNNINGHAM, a former Democratic congressman and national director of No Labels about the group eyeing a third-party presidential ticket. The show also features interviews with Marquette Law School Poll Director CHARLES FRANKLIN on the potential impact of a third-party candidate; MANDELA BARNES, the former U.S. Senate candidate and lieutenant governor, on his new PAC aimed at recruiting new candidates; and TIM SHEEHY, president of the Metropolitan Milwaukee Association of Commerce, on the commitment by Wisconsin companies to embrace diversity, equity and inclusion efforts despite the GOP push to defund programs in Milwaukee and within the UW System.

*See more about the program here.
*Also see a recap of the show online each Monday at WisPolitics.com

“Rewind,” a weekly show from WisconsinEye and WisPolitics.com, airs at 8 p.m. on Fridays and 10 a.m. on Sundays in addition to being available online. On this week’s episode, WisPolitics.com’s JR ROSS and CBS 58’s EMILEE FANNON discuss Milwaukee’s adoption of a 2 percent city sales tax, a GOP bill on transgender athletes in school sports, a lawsuit targeting Wisconsin’s abortion ban and Tuesday’s 24th AD special election.
*Watch the show here.

This week’s episode of WisPolitics.com’s “Capitol Chats” features an interview with Department of Health Services Secretary KIRSTEN JOHNSON.
*Listen to the podcast here.

“The Insiders” is a weekly WisOpinion.com web show featuring former Democratic Senate Majority Leader CHUCK CHVALA and former Republican Assembly Speaker SCOTT JENSEN. This week, the two look at the possible GOP candidates to run against Dem U.S. Sen. TAMMY BALDWIN, D-Madison, in 2024.
*Watch the video or listen to the show here.

“In Focus: Wisconsin” airs Sundays at 9:30 a.m. on Spectrum News 1 on channel 1. This week’s program with host PETE ZERVAKIS features conversations on the 2024 Republican National Convention in Milwaukee. Guests include Milwaukee Mayor CAVALIER JOHNSON, 2024 RNC CEO ELISE DICKENS and STIR Advertising and Integrated Messaging President BRIAN BENNETT.

PBS Wisconsin’s “Here and Now” airs at 7:30 p.m. Fridays. This week’s program with anchor FREDERICA FREYBERG features interviews with Milwaukee Mayor CAVALIER JOHNSON on the city’s new 2 percent sales tax; Milwaukee Ald. RUSSELL STAMPER on his objections to the shared revenue deal; and HOWARD SCHWEBER, a UW-Madison political science professor emeritus, on a circuit court ruling in a state abortion lawsuit and a U.S. Supreme Court ruling on affirmative action in college admission.

“For the Record” airs Sundays at 10:30 a.m. on Madison’s WISC-TV. This week’s program with host NAOMI KOWLES includes interviews with U.S. Rep. BRYAN STEIL, R-Janesvill, on voting legislation; Dem 3rd CD candidate REBECCA COOKE, on her bid against U.S. Rep. DERRICK VAN ORDEN, R-Prairie du Chien; and DNR Fire

Specialist RON SCHNEIDER on Wisconsin's dry, wildfire-prone summer.

"Capital City Sunday" airs at 9 a.m. Sunday on WKOW-TV in Madison, WAOW-TV in Wausau, WXOW-TV in La Crosse and WQOW-TV in Eau Claire. This week's program with host SARA MASLAR-DONAR includes interviews with Janesville City Manager KEVIN LAHNER on shared revenue, representatives of Wisconsin Right to Life and Planned Parenthood of Wisconsin on abortion, and REBECCA COOKE on her bid to unseat U.S. Rep. DERRICK VAN ORDEN, R-Prairie du Chien, in the 3rd CD.

Week Ahead

Tuesday: 24th AD special election.
– 7 a.m. – 8 p.m.: District residents can find their polling place here.

Tuesday: The Senate Committee on Licensing, Constitution and Federalism holds a public hearing on reciprocal licensing legislation and a constitutional amendment relating to the freedom to gather in places of worship during a state of emergency.
– 10:30 a.m.: 411 South, state Capitol.

Thursday: The Assembly Committee on Education holds a public hearing on a bill requiring schools to make anti-choking devices accessible.
– 10 a.m.: 417 North, state Capitol.

Names in the News

Attend a WisPolitics and Milwaukee Press Club Newsmaker Luncheon on Aug. 8 at the Rotary Club of Milwaukee featuring former GOP Gov. SCOTT WALKER. Walker is president of the Young America's Foundation, a partner with Fox News for the first Republican presidential primary debate of the 2024 cycle in Milwaukee on Aug. 23. Walker ran an unsuccessful bid for president in 2016. The former guv will take questions from a media panel including TMJ4 anchor CHARLES BENSON, Milwaukee Journal Sentinel reporter JESSIE OPOIEN and WISN 12 Political Director MATT SMITH.

Register for an Aug. 24 "ReBate" roundtable review of the first Republican presidential primary debate hosted by WisPolitics, UW-Milwaukee and the Tommy G. Thompson Center on Public leadership on the day after the Milwaukee debate. The discussion will feature former Milwaukee Journal Sentinel Washington Bureau Chief CRAIG GILBERT, Marquette Law School Poll Director CHARLES FRANKLIN, Americans for Prosperity Wisconsin State Director MEGAN NOVAK, state Sen. JULIAN BRADLEY

and American Federation for Children Senior Strategist SCOTT JENSEN. The event takes place at the UW-Milwaukee Joseph J. Zilber School of Public Health in Milwaukee. Register here.

The 2024 edition of the Almanac of American Politics features chapters on Wisconsin and Gov. TONY EVERS, written by Politifact Senior Correspondent and Sabato's Crystal Ball Senior Columnist LOUIS JACOBSON. The almanac includes updated chapters on all 435 House members, all 100 senators, each of the 50 states and their governors, and more. Readers can get a 15 percent discount by purchasing the almanac at its website using the code "WISPOL15" at checkout.

The Wisconsin Paper Council has announced new lawmakers to lead the bipartisan Wisconsin Paper Caucus. The new leaders are Rep. JEFF MURSAU, R-Crivitz, as Assembly chairperson, Rep. LEE SNODGRASS, D-Appleton, as Assembly vice-chairperson, Sen. ROMAINE QUINN, R-Cameron, as Senate chairperson, and Sen. BRAD PFAFF, D-Onalaska, as Senate vice-chairperson.

Gov. TONY EVERS has appointed TERESA CHRISMAN as Florence County sheriff, to fill a vacancy left in the wake of former Sheriff DAN MILLER's resignation. Chrisman, a lifelong Florence County resident, has been a sheriff's deputy since 2001 and has served as chief deputy over the past two years.

KELLI LIEGEL, who worked as comms director for U.S. Rep. SCOTT FITZGERALD when the Juneau Republican was first elected in 2020, has returned to her former role after a year working in the private sector. Fitzgerald's former spokesperson ALEXANDER CRANE is now working for U.S. Rep. GREG MURPHY, R-N.C.

Former WKOW 27 News Capital City Sunday host and Sports Director LANCE VEESER has left the station after 10 years. Veeser announced he will take on a new role as senior public engagement and communications specialist for infrastructure firm HNTB to spend more time with his family. Anchor/producer SARA MASLAR-DONAR will temporarily take over hosting Capital City Sunday, and political reporter DARRIELLE FAIR will be the eventual host.

Incoming Deputy Adjutant General for Civil Support MATTHEW BEILFUSS was promoted to the rank of brigadier general in a ceremony in the Senate chamber of the state Capitol. Beilfuss was previously chief of staff for the Wisconsin National Guard Joint Staff and commanded the Joint Task Force for Wisconsin National Guard response efforts during statewide protests in the summer of 2020.

The Council of State Governments has selected Senate Chief Clerk and Director of Operations MICHAEL QUEENSLAND and Sen. MARK SPREITZER, D-Beloit, as members of its 2023 class of Henry Toll Fellows.

Endorsements: The following is a list of recent endorsements, based on emails received by WisPolitics.com:

Court of Appeals District 1

PEDRO COLÓN: Democratic Party of Milwaukee County

Lobbyist Watch

Fifteen changes were made to the lobbying registry in the past 10 days.

Follow this link for the complete list.