

Howard Marklein

Wisconsin Senate District 17



Summary

Official Legislative Biography

Senator Howard Marklein was raised on a dairy farm in rural Spring Green. He is the oldest of five children. Howard graduated from River Valley High School in Spring Green in 1972.

Howard graduated from UW-Whitewater in 1976 with a BBA in accounting. After graduation from college, Howard worked for First Wisconsin National Bank of Milwaukee (now US Bank). In 1978, he was recruited by Virchow Krause (now Baker Tilly) and began his public accounting career in the Dodgeville office.

Howard accepted a promotion and transfer to the Whitewater and Fort Atkinson offices of Virchow Krause in 1980. He was promoted to partner in the firm in 1984. In recent years, his practice has been focused on the forensic accounting area and white collar crime investigations. He is also credentialed as a Certified Fraud Examiner (CFE).

Howard is married to Peggy, a registered nurse. Howard is the father of Nicole and William, and three stepchildren.

Senator Marklein was first elected to the State Assembly in 2010. While in the State Assembly, he served as the Chairman of the Assembly Committee on Ways & Means and the Vice-Chair of the Joint Audit Committee. During his time as a state representative, he authored multiple bills to reduce regulatory burden on businesses and promote honest budgeting. Along with his colleagues in the State Assembly, he authored a constitutional amendment to require the state budget be prepared on the basis of generally accepted accounting principles (GAAP).

Senator Marklein was elected to the State Senate in 2014. In the State Senate, he currently serves on the Joint Committee on Finance, the Chairman of the Financial Institutions, Revenue, & Rural Issues Committee, the Labor & Government Reform Committee, the Vice-Chair of the Transportation & Veteran Affairs Committee, and the Joint Survey Committee on Retirement Systems.

[Legislative Biography, [Accessed 7/31/18](#)]

ALEC membership/ties

- [ALEC Education Task Force Member](#)

ALEC model legislation authored/sponsored/supported

Bill Title/Number	ALEC Model Bill	Sponsored/Authorred
Act 1 (2015)	Right to Work Act	Voted YES
SB 3 (2017)	Open Contracting Act	Voted YES
Act 9 (2011)	Super-Majority Act	Voted YES
Act 23 (2011)	Voter ID Act	Voted YES
AB 69 (2011-12)	Castle Doctrine Act	Voted YES
Act 2 (2011)	Joint and Several Liability Act; Punitive Standards Act; Product Liability Act	Voted YES
SJR 23 (2011)	Constitutional Amendment Restricting the Use of Vehicle Fees and Taxes for Highway Purposes	Voted YES
Act 10 (2011)	Public Employer Payroll Deduction Act	Voted YES
Act 1 (2011)	Health Savings Account Act	Voted YES
AJR 81 (2014)	Balanced Budget Amendment Resolution	Voted YES

AB 730 (2015)	Regulating Containers to Protect Business and Consumer Choice	Voted YES
AB 748 (2017)	Living Wage Mandate Preemption Act	Voted YES

Marklein voted for Wisconsin’s right to work law. Marklein voted for Act 1, which allows workers to opt out of currently mandatory union fees, forcing unions to provide bargaining and training work without payment. The International Union of Operating Engineers sued Wisconsin over the law, but a federal appeals court ruled against the union in 2017. Scott Kronland, one of the attorneys representing the case, said, “It is fundamentally unfair for the unions to be required to provide services for free and the unions expect that their position will eventually be vindicated.” For years, ALEC has pushed right to work in state legislatures. The Center for Media and Democracy detailed the fact that the Wisconsin bill was taken almost word for word from the American Legislative Exchange Council model bill. Such a policy helps big corporations while harming workers and their families. “Right to work policies appear to correlate with lower wages and benefits, even when other factors are controlled for. The effect on the average worker—unionized or not—of working in a right-to-work state is to earn approximately \$1,500 less per year than a similar worker in a state without such a law.” [Reuters, [7/12/2017](#); Think Progress, [2/24/2015](#); Center for Media and Democracy: [Right to Work; Act 1, Enacted March 9, 2015](#)]

Marklein supported a bill that would prevent local governments from requiring contractors to work with unions on taxpayer-funded building projects. In 2017, Marklein voted for SB 3, which bans project labor agreements like, “a prehire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project.” Wisconsin Democrats said the proposal will interfere with the ability of local governments to get the best value for projects in their area. Rep. Peter Barca (D), minority leader of the Assembly, railed against the various requirements bearing down on organized labor: “Both of these moves will drive down wages for many workers in Wisconsin,” Barca said in a statement Feb. 9. “This is exactly the wrong direction for our state. With one of the most diminished middle classes in the entire country, Democrats believe we should prioritize investing in worker training to close the skills gap and raise the minimum wage. Republicans seem to prioritize limiting local control and paying Wisconsin workers less.” Milwaukee Mayor Tom Barrett agreed, “Our building and construction trades are critical partners in Milwaukee’s renaissance, which is why I support their contributions. They visibly strengthen our economy” [*Journal Sentinel*, [2/8/17](#); *Bloomberg*, [2/13/2017](#); [SB 3, Passed House 64-35, Passed Senate 19-13, 2/8/2017](#)]

Marklein voted to allow legislative minorities to block majority-supported changes to Wisconsin’s tax code. Marklein voted in 2011 for Act 9, which requires a two-thirds majority in each legislative chamber to pass any bill that increases sales, income, or franchise taxes in Wisconsin. This bill closely resembled the ALEC model “Super-Majority Act,” and was supported strongly by right-wing activist Grover Norquist and his (ALEC member) group Americans for Tax Reform. The legislation is functionally undemocratic as it “[allows] a future minority of legislators to thwart majority will on certain tax increases” according to Brendan Fischer, former general counsel for the Center for Media and Democracy. The law is also “a dangerous restriction on legislative action in the long run” according to tax commentator and Forbes columnist Lee Sheppard. [PR Watch, [3/10/2014](#); *Forbes*, [2/15/2011](#); [then-AB 5 passed the Assembly 57-36, 1/25/2011, the Senate, 2/8/2011, and was signed into law 2/22/2011](#)]

Marklein voted for discriminatory and suppressive voter ID legislation. Similar to ALEC model Voter ID legislation, Wisconsin's Act 23 (2011) requires registered voters to obtain and to present photo ID in order to cast a ballot. Though proponents claimed publicly that voter ID legislation aimed to eliminate voter fraud, sworn testimony from a former Republican staffer in Wisconsin indicates otherwise. Todd Allbaugh testified under oath in 2016 that in a Republican caucus meeting planning passage of the bill, proponents fully acknowledged the political and discriminatory intent of the legislation. In responding to concerns that the bill would suppress votes, bill co-sponsor Glenn Grothman responded, "What I'm concerned about here is winning [elections], and that's what really matters here." In the same meeting, state Senator and bill co-sponsor Mary Lazich stated, "we've got to think about what this would mean for the neighborhoods around Milwaukee and the college campuses." The intent of the bill, to its cosponsors, was to help Republicans win elections by suppressing votes in student and minority-heavy areas. [PR Watch, [9/26/2017](#); *Milwaukee Journal Sentinel*, [5/16/2016](#); [AB 7 Passed Assembly 59-36 5/11/2011, the Senate 19-14 on 5/19/2011](#)]

In 2011, Marklein voted for the Castle Doctrine Bill, ALEC's most infamous model bill. The bill expands the right of self-defense to protect their family in their home, granting presumption of immunity. According to the *Journal-Sentinel*, AB 69 gives homeowners who shoot intruders new legal protections. Under this bill, courts in most criminal and civil matters would presume that people using deadly force had acted reasonably against anyone unlawfully inside their residence, business or vehicle, whether the trespasser was armed or not. A group within the State Bar of Wisconsin representing more than 600 criminal defense lawyers, prosecutors, judges and academics opposed the castle doctrine bill because "malevolent, reckless, or paranoid people who shoot trick-or-treaters or repairmen on their porch will be presumed to be acting in self-defense." Members of that group say they can't come up with a single case where a homeowner was charged with a crime for defending himself or herself against an intruder. [*Milwaukee Journal-Sentinel*, [12/7/2011](#); [AB 69](#), Bill passed in Wisconsin House, 71-24, [11/1/2011](#); [AB 69](#), Bill Passed in Wisconsin Senate 26-7, [11/3/2011](#)]

Marklein supported a bill that makes it harder for Wisconsin families to hold corporations accountable for products that injure or kill their parent, spouse, or child. Marklein voted for Act 2, which closely resembles several ALEC model bills like the Joint and Several Liability Act, Punitive Standards Act and the Product Liability Act. According to The Hamilton Consulting Group, the bill requires the claimant to prove that the manufacturer made the specific product responsible for the injury. Act 2 further provides that if a claimant cannot identify the manufacturer of the specific product, and no other method of recovery is available, the court may apportion the liability to more than one manufacturer of the specific product liable for the injury. [The Hamilton Consulting Group, [4/28/2014](#); [Act 2](#), Bill Passed Wisconsin House, 57-36, [1/20/2011](#); Act 2, Bill Passed Wisconsin Senate, 19-14, [1/18/2011](#)]

Marklein supported a bill that restricts funding generated from gas taxes and vehicle registration fees for use only on roads, and not for any other needs. Marklein voted for SJR 23, which closely reflects ALEC's "Constitutional Amendment Restricting the Use of Vehicle Fees and Taxes for Highway Purposes" and would lock in by constitutional amendment a restriction of gasoline and other vehicle-related revenues to spending on highway-related purposes. Also, note that "vehicle fees and taxes" currently pay for only about half the direct costs of highways. So the effect of this restrictive subsidy to them has a multiplier in draining the funds from other, potentially more worthy, transportation projects. Essentially distorting the price calculation on highways, it encourages politicians to continue to fixate on them,

counter to everything we know about what's needed to local equity and wealth creation, much less our environment. [[ALEC Exposed](#); [SJR 23](#), Bill Passed Wisconsin House, 82-11, [5/17/2011](#); [SJR 23](#), Bill Passed Wisconsin Senate, 26-6, [5/17/2011](#)]

Marklein voted to impose strict limits on collective bargaining and union rights for public employees.

Marklein voted for Act 10, which imposes strict limits on collective bargaining and union rights for public employees. Act 10 was introduced by Governor Scott Walker, aiming to fix state finances by cutting benefits for union workers and wiping away their ability to negotiate over anything but their wages. Walker's bill also allowed public employees to avoid making payments to unions if they don't join those unions. Democrats denounced the plan and said the Republican governor was "declaring war" on unions before attempting to bargain with them. "These are dedicated public servants who work really hard at what they do," Sen. Jon Erpenbach (D-Middleton) said. "You can't just take all that experience and flush it down the toilet. [*Journal Sentinel*, [2/10/2011](#); [Act 10](#), Bill passed in Wisconsin House, 53-42, [3/10/2011](#); Act 10, Bill passed in Wisconsin Senate, 18-1, [3/9/2011](#)]

Marklein voted for legislation allowing residents to take a tax deduction for any contribution into a health savings account. Marklein voted for Act 1, which allowed for tax deduction for contributions to Health Savings Accounts. "The proposed legislation would provide additional tax benefits for those who purchase health insurance policies for those who purchase policies which incorporate health savings accounts. These types of policies undermine the affordability of comprehensive health insurance plans in the group market and can be used by the wealthy as a tax shelter." Health Savings Accounts overlook the needs of the poor. Individuals with these plans are responsible for a significant amount of costs before their insurance benefits kick in. [Salon, [7/21/2017](#); [Center for Media and Democracy](#); [Act 1, Passed Senate 21-12, 1/20/2011](#)]

Marklein voted for a resolution calling for a national constitutional convention to add a "balanced budget" amendment to the U.S. Constitution. In 2014, Marklein voted for AJR 81, the Resolution for a Limited Constitutional Convention on Unfunded Mandates. An ALEC model resolution, it is listed under ALEC's Tax and Fiscal Policy Task Force and was included in the 1995 Sourcebook of American State Legislation. AJR 81, which reflects the ALEC model resolution, represents a mostly conservative movement to hold a national convention that aims to limit the federal government's ability to operate on a deficit. If successful, one result could be a fundamental shift of power to the states and permanent loss of many federal programs. A broad range of Wisconsin organizations sent a letter to state senators in opposition to the resolution, arguing, "It would deepen and lengthen recessions by making it extremely difficult for federal lawmakers to increase spending when it is most needed for countercyclical safety net programs, such as food stamps, unemployment insurance, and Medicaid. It might also make it very difficult for Congress to respond to national disasters and other emergencies, and is likely to require deep cuts to Social Security benefits and/or substantial increases in Social Security taxes" [Center for Media and Democracy: [Resolution for a Limited Constitutional Convention on Unfunded Mandates Exposed](#); Wisconsin Budget Project, [2/25/2014](#); [AJR 81, Adopted 58-38, 2/18/2014](#)]

State Senator Howard Marklein voted to pass a preemption bill that prohibits local communities from issuing their own rules on plastic bags. Using the state legislature to interfere with local democracy is a tactic frequently deployed by ALEC. The bill Senator Marklein voted for mirrors ALEC's model bill [Regulating Containers to Protect Business and Consumer Choice](#). "The resolution calls on municipal governments not to regulate single-use containers and packaging, such as reusable bags, disposable

bags, boxes, cups, and bottles that are made of cloth, paper, plastic, extruded polystyrene, or similar materials..." [PR Watch, [5/16/18](#); ALEC, [7/24/17](#); AB 730, 5/31/2016, [Approved by Governor](#)].

State Senator Howard Marklein voted to pass a preemption bill that prohibits local communities from setting employment rules that differ from state law, including ones that set a higher minimum wage for employees and provide protections against LGBTQ discrimination. This bill reflects a coordinated effort in state legislatures across the country to stifle wage increases. AB 748 borrows the language of ALEC's model bill [Living Wage Mandate Preemption Act](#). Wisconsin's Journal Sentinel reports that the bill "is a pointed attack on Madison ordinances that prohibit employer discrimination based on gender identity, non-religion, homelessness, source of income, Social Security number, physical appearance, political beliefs, student status, domestic partnership, citizenship, unemployment status and credit history. Almost none of that exists at a state level" [Wisconsin State Journal, [12/2/17](#); Wisconsin Journal Sentinel, [2/16/18](#); ALEC, [11/16/17](#)] [AB 748, 4/17/18, [Approved by Governor](#)].

Other Hits

Marklein supported a bill dubbed "the right to carry, " which made it easier for people to carry concealed weapons. According to *Twin Cities Pioneer Times*, Marklein supported a bill, SB 169, that would allow people to carry a concealed firearm without even having to get a permit or demonstrate that they know how to handle a weapon, both of which are requirements of the concealed carry law in Wisconsin. It would also lower the minimum age of conceal carry from 21 to 18. [*Twin Cities Pioneer Press*, 9/19/17; SB 169, [Bill passed in committee 3-2 but died on the floor](#), 9/20/17]