

Kathleen Bernier
Wisconsin Assembly District 68



Summary

Legislative Biography

Kathleen Marie Anderson (Bernier) was born in Eau Claire WI April 29, 1956 to John and Marge (Ginder) Anderson, both of Eau Claire.

Kathy grew up in the Town of Hallie, now the Village of Lake Hallie. She graduated from Chippewa Falls Senior High School in 1974 and married in September of 1977. She has 3 children and 6 grandchildren.

While raising her children, Kathy worked a variety of part-time and limited term jobs including certified nursing assistant, waitress, and census taker. When her children were older, she began looking into a full time career and ultimately decided to pursue a degree.

In the spring of 1993 Kathy applied to the University of Wisconsin-Eau Claire. She was accepted as a non-traditional student at age 37 and continued working part-time jobs while in college. Although she entered UW-EC Claire as a Business Major, she later changed her major to Political Science. Kathy graduated in May of 1998 with her children and parents by her side.

Shortly after graduating, Kathy was elected Chippewa County Clerk and served in that position until February 2011. She has also served as a trustee for the Village of Lake Hallie, as the liaison to the

Clerk/Treasurer’s office, and has provided leadership and guidance to the police commission and the parks and recreation board.

Kathy was elected as the State Representative for the 68th Assembly District in November 2010 and took office in January of 2011. She serves as the Chair of the Campaigns and Elections Committee and is a member of the Assembly Committees on Aging and Long-Term Care, Agriculture, Mining and Rural Development, and Workforce Development, and the Speaker’s Task Force on Alzheimer’s and Dementia.

While serving the constituents of the 68th Assembly District is her first priority, Kathy is involved in national organizations as well. The National Foundation for Women Legislators selected her as state chair for 2015, and she currently sits on the NFWL Board of Directors. She has been an invited speaker for the National Council of State Legislators and is a delegate to the Assembly of State Legislatures.

[Legislative Biography, [Accessed 10/11/18](#)]

ALEC membership/ties

- [Public Safety & Elections Task Force 2011 Spring Task Force Summit April 29, 2011](#)

ALEC model legislation authored/sponsored

Bill Title/Number	ALEC Model Bill	Sponsored/Authorred
Act 9 (2011)	Super-Majority Act	Voted Yea
Act 23 (2011)	Voter ID Act	Cosponsored and voted Yea
AB 69 (2011-12)	Castle Doctrine Act	Voted Yea
Act 2 (2011)	Joint and Several Liability Act; Punitive Standards Act; Product Liability Act	Voted Yea
SJR 23 (2011)	Constitutional Amendment Restricting the Use of Vehicle Fees and Taxes for Highway Purposes	Voted Yea
Act 10 (2011)	Public Employer Payroll Deduction Act	Voted Yea
Act 1 (2011)	Health Savings Account Act	Voted Yea
AB 110 (2011-12)	Special Needs Scholarship Program Act	Cosponsored and voted Yea
AJR 81 (2014)	Balanced Budget Amendment Resolution	Cosponsored and voted Yea
Act 1 (2015)	Right to Work	Voted Yea
SB 3 (2017)	Open Contracting Act	Cosponsored and voted Yea

- **Representative Kathleen Bernier voted to allow legislative minorities to block majority-supported changes to Wisconsin’s tax code.** Representative Kathleen Bernier 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 in Wisconsin 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. [[CMD; 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](#)]

- **Representative Kathleen Bernier cosponsored a 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 at eliminating 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, May 16,2016](#); [AB 7 Passed Assembly 59-36 5/11/2011, the Senate 19-14 on 5/19/2011](#)]
- **In 2011, Representative Kathleen Bernier voted in favor of 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 Milwaukee-Wisconsin Journal-Sentinel, AB 69 gives homeowners who shoot intruders will have 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-Wisconsin 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](#)]
- **In 2011, Representative Kathleen Bernier voted in favor of bill Act 2 that makes it harder for Wisconsin families to hold corporations accountable for products that injure or kill their parent, spouse, or child.** Representative Kathleen Bernier voted in 2011 for Act 2, which is considered a “tort reform bill”. This bill 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](#)]

- **In 2011, Representative Kathleen Bernier voted in favor of bill that restricts funding generated from gas taxes and vehicle registration fees for use only on roads, and not for any other needs.** Representative Kathleen Bernier voted for SJR 23, which, according to ALEC Exposed, 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](#)]
- **In 2011, Representative Kathleen Bernier voted in favor of Act 10 that imposes strict limits on collective bargaining and union rights for public employees.** Representative Kathleen Bernier voted for Act 10 that imposes strict limits on collective bargaining and union rights for public employees. Act 10 was introduced by Governor Scott Walker and had the goal to fix state finances by cutting benefits for union workers and wiping away their ability to negotiate over anything but their wages. According to the Journal Sentinel, Walker's bill also would allow public employees to avoid making payments to unions if they don't join those unions. Now, workers can choose not to join unions, but they must make "fair share" payments similar to dues - a requirement that unions say is needed because all workers benefit from their work at the bargaining table. 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](#)]
- **In 2011, Representative Kathleen Bernier supported Act 1, which allows residents to take a tax deduction for any contribution into a health savings account.** Representative Kathleen Bernier voted for SB 2 that 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](#)]

- **Representative Kathleen Bernier cosponsored and supported a would subsidize private school attendance by special needs students.** In 2011, Representative Kathy Bernier cosponsored AB110, near carbon copy of ALEC's "Special Needs Scholarship Program Act." The bill would, according to the Center for Media and Democracy, "subsidize private school attendance by students with disabilities, including learning disabilities or autism. This is a voucher program for a specific subset of students who are Individuals with Disabilities Education Act (IDEA) eligible. This has been proposed in 2011 in some states, including Wisconsin. Most private schools are not able to provide IDEA students with appropriate special education services - so in voucher programs, the schools have very few special education students." Most disability organizations strongly oppose special education vouchers—and decades of evidence suggest that such students are better off receiving additional support in public schools. Jeff Spitzer-Resnick, managing attorney for Disability Rights Wisconsin, states that "disabled students who take advantage of special ed vouchers forfeit their rights under the federal Individuals with Disabilities Education Act. That means they no longer have a right to a free, appropriate public education or the specific services that come along with that." [Parents United for Public Schools, [7/26/2011](#); Center for Media and Democracy: [Special Needs Scholarship Program Act](#); The Nation, [7/12/2011](#); [AB110, Failed in Senate, 3/23/2012](#)]
- **In 2014, Representative Kathleen Bernier cosponsored and offered an amendment to Wisconsin's constitution calling for a national constitutional convention to add a "balanced budget" amendment to the U.S. Constitution.** In 2014, Representative Kathy Bernier cosponsored AJR 81, the Resolution for a Limited Constitutional Convention on Unfunded Mandates, an ALEC model resolution, 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](#)]
- **In 2015, Representative Kathleen Bernier voted for Wisconsin's right to work law.** Representative Kathleen Bernier voted for Act 1 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 maintains, “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](#)]

- **In 2017, Representative Kathleen Bernier cosponsored a bill that would prevent local governments from requiring contractors to work with unions on taxpayer-funded building projects.** Representative Kathleen Bernier voted for SB 3 that bans project labor agreements, “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](#)]

Other Hits

Representative Kathleen Bernier walked out of a meeting with constituents in 2016, upset about comments comparing the economies of Minnesota and Wisconsin saying, “This vile political speech is not helpful”. According to The Express Herald, Representative Bernier walked out of a Monday meeting with representatives of three local school districts, upset when an Eau Claire School Board member, Wendy Sue Johnson, stated that Wisconsin’s economy compared unfavorably with Minnesota’s. “It is not helpful to compare Minnesota and Wisconsin,” Bernier said, remarking that this is what she experiences with Altoona, Eau Claire and Chippewa Falls each time she attends the districts’ breakfast. Bernier later said she hears the same theme when she meets with representatives of the three districts: “We want more money, we want more money and we don’t like this or that...This vile political speech is not helpful,” Bernier said before leaving. Johnson said she checked with other school board members to see if she had made an offensive comment by making the comparison. “They didn’t feel that I had,”

Johnson said. "It's clearly disappointing when our representatives are not willing to engage in conversations about the issue [The Express Herald, [2/23/16](#)]