



Tony Evers

OFFICE OF THE GOVERNOR

March 29, 2024

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing Senate Bill 52 in its entirety.

This bill requires the Department of Agriculture, Trade and Consumer Protection to create a voluntary registration program for commercial deicer applicators, defined as individuals who apply deicer for hire, but excluding municipal, state, or other government employees. The bill also requires the department to establish criteria for training commercial applicators in methods for snow and ice removal and deicer application that protect water quality. The bill further requires the department to certify third-party providers of training that meets the criteria established by the department, maintain a list of registered training providers, and register a commercial applicator, for a period of five years, if the applicator successfully completes a training program approved by the department and passes an examination approved by the department. The department may revoke the registration of an applicator who fails to comply with the requirements of the program.

Additionally, the bill provides that a registered commercial applicator or an owner is not liable for damages arising from a hazard resulting from the accumulation of snow and ice on any private real estate maintained by the applicator when the hazard is caused by snow or ice and the applicator used methods that are taught in a training program approved by the department. Finally, the bill provides that, with respect to a commercial applicator that is not registered with the department, any evidence related to the program or the fact that the commercial applicator is not registered is inadmissible for any purpose in any judicial, legislative, or administrative action, proceeding or hearing.

I am vetoing this bill, which received bipartisan opposition in both chambers of the Wisconsin State legislature, in its entirety because I object to creating such a broad immunity from liability. As I have said before, I believe the presumption should be an open courthouse door to anyone seeking justice and an honest debate of the law of the land, and any immunity or deviation from that presumption should be tailored and finite. In particular, this bill rewrites the rules of evidence in such a way as to disallow evidence related to whether or not a commercial applicator is registered with the department. Generally, with limited exceptions, Wisconsin law provides that relevant evidence is admissible and irrelevant evidence is inadmissible. Under this bill, an unregistered commercial applicator could falsely claim the immunity provision in this bill, and that claim could not be rebutted, due to the fact that the relevant evidence is suppressed.

I am also vetoing this bill because I object to creating an unfunded mandate for the Department of Agriculture, Trade and Consumer Protection. This bill requires the department to create a new registration program for commercial deicer applicators. Under this new program, the department is



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required to establish criteria for training applicators, certifying third-party training providers, and maintaining a public list of registered training providers. The bill further provides the department the power to revoke registration. The bill does not provide any funding for the department to carry out these provisions, even as the original fiscal estimate provided by the Department of Natural Resources outlined ongoing costs.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tony Evers".

Tony Evers
Governor