



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

TUESDAY, December 9, 2003

The Chief Clerk makes the following entries under the above date:

ENROLLED JOINT RESOLUTIONS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

Assembly Joint Resolution 57

PATRICK E. FULLER
Assembly Chief Clerk

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 71 Assembly Bill 165

Presented to the Governor on Tuesday, December 9.

PATRICK E. FULLER
Assembly Chief Clerk

GOVERNOR'S VETO MESSAGE

December 5, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 228** in its entirety. This bill creates two new programs in the Department of Natural Resources in an effort to provide incentives to public and private entities for voluntarily improving environmental performance. While I fully support giving reasonable incentives for environmentally innovative practices to businesses that have proven environmental compliance track records, this legislation goes too far and threatens Wisconsin's environment and the public.

The first portion of the bill creates the Environmental Results Program. This program appropriately provides state incentives for companies with a history of environmental compliance and a commitment to implement an environmental management system, a comprehensive structure enabling the company to evaluate environmental

performance and to improve such performance at covered facilities. I have supported this concept and have called for this type of legislation in my "Grow Wisconsin" economic development plan. This concept was developed over several years of discussions with a broad range of stakeholders and legislators from both parties. Assembly Bill 700, introduced by Representative Mark Miller, accomplishes these objectives and I encourage the Legislature to quickly pass this proposal.

However, the second half of Assembly Bill 228 – creating the Environmental Improvement Program ("EIP") – provides similar benefits to participants who have not demonstrated historical or prospective commitment to obeying Wisconsin's environmental laws. Under this second half of the legislation, in return for conducting a nominal in-house environmental compliance audit, any company that has not been sued by the Wisconsin Department of Justice or been issued a citation for an environmental violation in the two years preceding the submission of the audit results receives a variety of preferential treatments.

These include civil forfeiture immunity for self-reported violations corrected within 90 days of submission of the audit and the ability of the company to set its own (or no) stipulated penalties for failure to meet deadlines to remedy violations that will take more than 90 days to fix. Furthermore, the two-year period covers only the facility subject to the EIP; thus, a company with recent or even ongoing enforcement actions at some of its facilities in the State would not be precluded from participating in an EIP at other locations. As a result, a company with a long history of poor – even criminal – environmental performance could reap the unearned benefits of participation in the program. Rewarding companies with a poor record of compliance and no commitment for the future jeopardizes the State's citizens and environment and will diminish the value of the Environmental Results Program.

Real and meaningful regulatory reform, without threatening our natural resources or restricting public input, is critical to Wisconsin's future. I strongly support reform efforts to assist companies with strong environmental histories who have made meaningful commitments for the future. I believe both the public and all Wisconsin businesses should receive timely and consistent review of permit applications. However, this legislation will not accomplish these objectives.

In sum, the overall benefits of this legislation to our citizens and economy are outweighed by the law's potential

for rewarding companies that have not invested the needed effort in proactive environmental protection.

I remain committed to working with the Legislature to produce a bill that both supports Wisconsin's economic interests and protects our extraordinary environmental assets.

Respectfully submitted,
JIM DOYLE
Governor

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

December 9, 2003

To the Honorable Members of the Assembly:

The following bills, originating in the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Assembly Bill 507	99	December 8, 2003
Assembly Bill 592	100	December 9, 2003

Respectfully submitted,
JIM DOYLE
Governor

COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Assembly Bill 458	97	December 18, 2003
Assembly Bill 121	98	December 18, 2003
Assembly Bill 507	99	December 22, 2003

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

December 8, 2003

Patrick E. Fuller, Assembly Chief Clerk
17 West Main Street, Room 208
Madison, Wisconsin 53708-8952

Dear Mr. Fuller:

Please add my name as a cosponsor of **Assembly Bill 699**, relating to payments to ethanol producers and making an appropriation.

Thank you for your attention to this matter.

Sincerely,
DAVE HANSEN
State Senator

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

November 28, 2003

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of October 2003.

On October 1, 2003, the **Agricultural Chemical Cleanup Fund** cash balance closed at its monthly low of a negative \$125.0 thousand. The negative balance continued through October 31, 2003, when the balance closed at a negative \$119.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The Agricultural Chemical Cleanup Fund shortfall was not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,
MARC J. MAROTTA
Secretary

Referred to committee on **Ways and Means**.