

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

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WEDNESDAY, May 19, 2010

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

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Governor

May 19, 2010

To the Honorable, the Senate:

The following bill(s), originating in the Senate, 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>
Senate Bill 273	Act 406	May 19, 2010

Respectfully Submitted,  
*JIM DOYLE*  
Governor

State of Wisconsin  
Office of the Governor

May 19, 2010

To the Honorable, The Senate:

I am vetoing 2009 Wisconsin **Senate Bill 434** in its entirety. I commend the Legislature for their thoughtful consideration of this issue, but the public health community has been nearly unanimous in their opposition to this proposal. I cannot ignore the potential harmful health effects of consuming unpasteurized milk that have been raised by many groups, including: the Wisconsin Chapter of the American Academy of Pediatrics, the Wisconsin Public Health Association, the Wisconsin Association of Local Health Departments and Boards, the Wisconsin Academy of Family Physicians, the Wisconsin Medical Society, Marshfield Clinic, Gundersen Lutheran and the Wisconsin Veterinary Medical Association.

The sale of unpasteurized milk has become an increasingly contentious issue in Wisconsin and around the country. I recognize that there are strong feelings on both sides of this matter, but I must side with public health and the safety of the dairy industry. Therefore, I am vetoing this bill.

Farmers who sell unpasteurized milk under the bill would be required to test the milk monthly and if pathogens are found, the Department of Agriculture, Trade and Consumer Protection could suspend a farmer's registration. However, these monthly tests would not be enough to ensure that all of the farmer's milk is free from harmful contaminants. This could result in serious illness or even death. Other states that allow the sale of raw milk have had to strengthen standards that are stricter than those in

the bill following outbreaks of illness from drinking unpasteurized milk. The State of California requires a more comprehensive testing approach than what is contained in this bill. Their testing regimen quantifies coliform bacteria, a broad group of organisms that includes some types of pathogens, but also provides an overall indication of the hygiene level of the milk. This bill does not contain adequate testing requirements to ensure the safety of the public when consuming unpasteurized milk.

The dairy industry is the centerpiece of Wisconsin agriculture. We have worked successfully over the last seven years to modernize Wisconsin's dairy industry. An outbreak of disease from consumption of unpasteurized milk could damage the state's reputation for providing good, healthy dairy products, and hurt sales of pasteurized milk and other dairy products, resulting in significant financial loss for the entire dairy industry at a time when dairy farmers are already suffering.

I recognize that there has been thoughtful and spirited discussion of this issue from proponents and opponents of the bill. The hard work of legislators in crafting this bill is to be commended. However, significant questions must be answered and improvements should be made, particularly in strengthening testing requirements of unpasteurized milk, before enacting this type of legislation. In January 2010 the Department of Agriculture, Trade and Consumer Protection created a Raw Milk Working Group comprised of a wide array of stakeholders and experts charged with reviewing the legal and regulatory framework that might allow for the sale of unpasteurized milk to consumers without compromising public health. I believe the Working Group should be allowed to complete its analysis prior to making changes to the legal framework surrounding unpasteurized milk.

I believe this veto is the right decision to protect the health and safety of Wisconsin citizens.

Respectfully Submitted,  
*JIM DOYLE*  
Governor

State of Wisconsin  
Office of the Governor

May 19, 2010

To the Honorable, The Senate:

I am vetoing 2009 Wisconsin **Senate Bill 616** in its entirety. The bill mandates that:

"The building commission shall apply all moneys available for its use under the authorized state building program to achieve certification as of January 1, 2015, by the U.S. Green Building Council for not less than 15 percent of the total gross square footage of conditioned space in buildings, structures, and facilities that are owned or leased by

agencies on that date, as determined by the department of administration under s. 16.856(3), as conforming at a minimum to LEED performance requirements for the operation and maintenance of existing buildings. . .”

The requirement that “the building commission *shall* apply *all moneys* available for its use under the authorized state building program” for this single purpose is extremely problematic. It will result in all current maintenance projects being delayed indefinitely. In the future, the commitment of all these funds for this single purpose will also sharply curtail the state’s ability to build new buildings or maintain its existing facilities.

I understand and support the underlying goals of this legislation which would move Wisconsin forward by building greener, more energy efficient and sustainable public buildings. Green building practices can substantially cut costs of operating and maintaining buildings over their useful lives. A small investment in green building design yields long-term financial and environmental benefits such as conservation of water, energy, materials and land.

I am a proponent of high performance green building practices and have taken steps to make us a leader in the nation. I issued Executive Order #145 in April 2006, directing the adoption of higher energy conservation and sustainable building standards for state-owned buildings. I proposed and advocated for the Clean Energy Jobs Act, which included landmark programs to increase renewable energy standards, enhance energy efficiency and conservation efforts, and would have supported the creation of at least 15,000 green jobs in the state by 2025.

Unfortunately, Senate Bill 616 is unworkable. There is some argument that the language in the bill does not mean what it says. However, the language is clear and I must rely upon it.

In addition, the energy reduction goals in the bill would require large-scale application of technologies that are not compatible with facilities in urban environments. The requirements for LEED Existing Building (LEED EB) certification would increase the scope and cost of minor repair projects. The standards for leased space would likely force the relocation of state tenants and make rental of space in some areas impracticable.

The underlying goals of the bill are laudable and I remain fully committed to green building practices and energy conservation initiatives. Unfortunately, though the bill affects all moneys available for the state building program, it does not contain an appropriation, so I cannot fix the unworkable provisions of the bill. As such, I am directing the Department of Administration to incorporate goals and processes similar to Senate Bill 616 into capital budget legislation for the 2011–13 biennium.

Respectfully Submitted,  
*JIM DOYLE*  
Governor

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## ADVICE AND CONSENT OF THE SENATE

### State of Wisconsin Office of the Governor

May 14, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FOSS, RICHARD, of La Crosse, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2013.

Respectfully Submitted,  
*JIM DOYLE*  
Governor

Read and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

### State of Wisconsin Office of the Governor

May 3, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GARY, GEORGE, of Milwaukee, as a member of the Savings Institutions Review Board, to serve for the term ending May 1, 2014.

Respectfully Submitted,  
*JIM DOYLE*  
Governor

Read and referred to committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions.**

### State of Wisconsin Office of the Governor

May 14, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KNOELL, LYNDASAY, of Racine, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2014.

Respectfully Submitted,  
*JIM DOYLE*  
Governor

Read and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

### State of Wisconsin Office of the Governor

May 3, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KOENIGS, KATHY, of Waukesha, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2011.

Respectfully Submitted,  
*JIM DOYLE*  
Governor

Read and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

### State of Wisconsin Office of the Governor

May 14, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHWALENBERG, JESSICA, of Delafield, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2012.

Respectfully Submitted,  
*JIM DOYLE*  
Governor

Read and referred to committee on **Agriculture and Higher Education.**