



Tony Evers

Office of the Governor | State of Wisconsin

VIA ELECTRONIC DELIVERY

February 27, 2024

Senator Howard Marklein
Co-Chair, Joint Committee on Finance
Room 316 East, State Capitol
Madison, WI 53703

Representative Mark Born
Co-chair, Joint Committee on Finance
Room 308 East, State Capitol
Madison, WI 53703

Senator Marklein and Representative Born:

A \$125 million investment to combat PFAS statewide, available through the 2023-25 biennial budget passed by the Wisconsin State Legislature that I enacted last July, has languished unspent in Madison for months—over 230 days.

Since I enacted the 2023-2025 biennial budget last summer, my office, stakeholders, and the Department of Natural Resources have attempted to reach bipartisan consensus and agreement with the authors of Senate Bill 312, a Republican-backed bill creating a framework for how to spend the \$125 million approved through the budget.

Unfortunately, Senate Bill 312's authors insisted on retaining controversial provisions in the bill designed to benefit and protect polluters, limiting the department's authority to respond to contamination—provisions the authors have long known would result in the bill not becoming law. The language was opposed by the department, conservationists, clean water advocates, local elected officials, and countless Wisconsin residents who have been urging elected officials for years to take action to address PFAS and ensure Wisconsinites have access to clean, safe drinking water. Notwithstanding these concerns, Senate Bill 312 was passed by the Wisconsin State Legislature last week, containing the controversial provisions to which I have consistently raised significant concerns, including in my November meeting with the bill authors. I cannot sign a bill that lets polluters off the hook for cleaning up their contamination and asks Wisconsinites to foot the bill. Consequently, I will veto this legislation.

To be clear, SB 312 does not release or impact in any way the existing \$125 million biennial budget investment to fight PFAS statewide. Indeed, even if I were to sign Senate Bill 312, the department would still have had to submit—and the Joint Committee on Finance would have needed to approve—a s. 13.10 request to release these critical investments. Vetoing SB 312 will have no effect on whether the \$125 million to combat PFAS remains available or when it will be released by the Republican-controlled Joint Finance Committee—that decision remains yours and yours alone. For over 230 days, Republican committee members have been able to release the \$125 million to combat PFAS contaminants across Wisconsin at any time, and that remains the case today.

In December, after it was apparent the necessary changes would not be made to Senate Bill 312 despite broad opposition, I instructed the DNR to submit at s. 13.10 request to the Joint Committee on Finance in an attempt to start allocating the dollars to address PFAS contamination across our state. As you know, that request has now been pending for over two months before the committee. No action has been taken to date.

Absent action from the Joint Committee on Finance on the Department's December s. 13.10 request, and in light of SB 312's passage without the necessary changes, I have instructed the department to submit a revised s. 13.10 request for the \$125 million, and I am urging you today to support this compromise and to take this request up expeditiously and without delay. Importantly, I am asking the Joint Committee on Finance to approve a proposal that is functionally identical to the Republican bill passed last week by the Wisconsin State Legislature, largely retaining most of the bill's key provisions but without controversial provisions to benefit polluters contained in Senate Bill 312. This compromise includes programs we all can agree are important, including the Municipal PFAS grant program and the Innocent Landowner grant program, as designed in Senate Bill 312, as amended.

Every Republican member of the Joint Committee on Finance voted in favor of this proposal when it passed the Wisconsin State Legislature, and, as such, I believe this compromise—largely derived from the bill Republicans just passed—will receive bipartisan support from members on both sides of the aisle. Wisconsinites should not have to wait any longer than they already have. Partisan politics should not stand in the way of addressing PFAS contamination in communities across our state.

If you have any questions about this compromise, please do not hesitate to contact my office or the Department of Natural Resources. We stand ready to aid you in your work to approve the request quickly and get these critically important resources to impacted communities that need them.

Respectfully yours,



Tony Evers
Governor

cc: Senator Rob Cowles
Senator Eric Wimberger
Members of the Joint Committee on Finance