

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Sixth Regular Session

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WEDNESDAY, August 27, 2003

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

**INTRODUCTION, FIRST READING AND  
REFERENCE OF PROPOSALS**

Read and referred:

**Senate Joint Resolution 41**

Relating to: authorizing the legislature to reduce property taxes on principal dwellings owned and occupied by residents of this state (first consideration).

By Senators Wirch, Carpenter, Decker, Hansen, Erpenbach, Breske and Chvala; cosponsored by Representatives Black, Turner, Plouff, Berceau, Miller, Boyle, Pocan, Pope–Roberts and Krug.

To committee on **Judiciary, Corrections and Privacy.**

**Senate Bill 234**

Relating to: wholesale motor vehicle dealers.

By Senators Leibham, Kanavas, S. Fitzgerald, Breske, Plale, Carpenter, Brown, Welch, Risser and Schultz; cosponsored by Representatives Freese, Gronemus, M. Lehman, LeMahieu, Gunderson, Hahn, Hines, Hundertmark, Kestell, Krawczyk, McCormick, Montgomery, Ott, Petrowski, Rhoades, Shilling, Suder, Van Roy and Vrakas.

To committee on **Transportation and Information Infrastructure.**

**Senate Bill 235**

Relating to: manufacturers, importers, and distributors of motor vehicles and franchised motor vehicle dealers.

By Senators Leibham, Kanavas, S. Fitzgerald, Breske, Plale, Brown, Stepp, Welch, Risser, Erpenbach and Schultz; cosponsored by Representatives Freese, Gronemus, Olsen, Petrowski, LeMahieu, Ainsworth, Friske, Gielow, Gunderson, Hahn, Hines, Hundertmark, Kestell, Krawczyk, M. Lehman, McCormick, Montgomery, Ott, Shilling, Suder, Van Roy and Vrakas.

To committee on **Transportation and Information Infrastructure.**

**Senate Bill 236**

Relating to: repair of motor vehicle air conditioners and truck trailer refrigeration equipment that contains ozone–depleting refrigerant.

By Senator Reynolds; cosponsored by Representatives F. Lasee, Ott, Hines, Hahn, Petrowski and Ladwig.

To committee on **Environment and Natural Resources.**

**Senate Bill 237**

Relating to: limiting the reasons for which a local government may withhold approval of a conditional use permit.

By Senators S. Fitzgerald, M. Meyer, Brown and Zien; cosponsored by Representatives McCormick, Musser, Montgomery, Rhoades, Hines, Gunderson, Seratti, Bies, Van Roy, Albers, Friske and Krawczyk.

To committee on **Homeland Security, Veterans and Military Affairs and Government Reform.**

**Senate Bill 238**

Relating to: the purpose and integrity of the patients compensation fund and changing its name to the injured patients and families compensation fund.

By Senators Schultz, Roessler, Brown, Darling, S. Fitzgerald, Kanavas, Kedzie, A. Lasee, Panzer, Reynolds, Stepp, Zien and Welch; cosponsored by Representatives Ladwig, Gielow, Weber, Albers, Bies, J. Fitzgerald, Freese, Gunderson, Jensen, Jeskewitz, Kerkman, Krawczyk, Kreibich, M. Lehman, LeMahieu, Lothian, McCormick, D. Meyer, Montgomery, Nischke, Olsen, Petrowski, Pettis, Seratti, Stone, Suder, Towns, Townsend, Van Roy, Vukmir and Wasserman.

To committee on **Agriculture, Financial Institutions and Insurance.**

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**REPORT OF COMMITTEES**

The committee on **Environment and Natural Resources** reports and recommends:

**Assembly Bill 109**

Relating to: the use by the Department of Natural Resources of seized, confiscated, or unclaimed property for educational hunting, fishing, trapping, and other conservation activities; hunting of antlerless deer by holders of certificates of accomplishment issued under the hunter education program and the bow hunter education program; certificates of hunter safety issued by provinces and other countries; possession of firearms and hunting with firearms by persons under 16 years of age; issuance of resident small game hunting licenses to certain nonresidents under 16 years of age; use of firearms in schools under the hunter education program; use of certain types of arrow tips on crossbows; proceeds received by the Department of Natural Resources for skins of fur–bearing animals that are prepared as part of the course of instruction under the trapper education program; granting rule–making authority; and making an appropriation.

Concurrence.

Ayes, 4 – Senators Kedzie, Stepp, Zien and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 187**

Relating to: the newspaper recycling fee and the recycled content of newsprint used in newspapers.

Concurrence.

Ayes, 4 – Senators Kedzie, Stepp, Zien and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 228**

Relating to: environmental compliance audits, environmental management systems, providing incentives for improving environmental performance, providing immunity from civil penalties for certain violations of environmental requirements, access to certain information, granting rule-making authority, and providing a penalty.

Concurrence.

Ayes, 3 – Senators Kedzie, Stepp and Zien.  
Noes, 2 – Senators Risser and Wirch.

**Assembly Bill 235**

Relating to: failure to pay owners of raw forest products and providing a penalty.

Concurrence.

Ayes, 4 – Senators Kedzie, Stepp, Zien and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 9**

Relating to: authorizing the establishment of a program for the suppression of gypsy moths, specifying areas eligible for aerial insecticide treatment for the suppression of gypsy moths, and requiring the exercise of rule-making authority.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

Neal Kedzie  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #22**

***Relating to the Creation of the Governor’s Task Force on Educational Excellence***

**WHEREAS**, a high-quality public education system is an essential public good and the pathway to opportunity in a challenging and complex world; and

**WHEREAS**, the Wisconsin Supreme Court has declared that every child in Wisconsin has a constitutional right to a sound, basic education, and Wisconsin aspires to provide an outstanding education to every child; and

**WHEREAS**, Wisconsin’s citizens must balance many legitimate competing interests in order to provide our children the greatest educational opportunities possible, including the desire of parents to have the best education for their children, the concerns of taxpayers who fund the public educational system, and the need for education to spur economic growth; and

**WHEREAS**, the most important ingredient of a great education and high student achievement is a great teacher, and, while Wisconsin public schools employ many of the best and brightest teachers in the world, many Wisconsin teachers are leaving the profession, many prospective teachers leave Wisconsin to go to other states, many of our state’s most difficult teaching assignments are being handled by our least experienced teachers, and current Wisconsin laws hinder our

ability to attract and retain many more world class educators; and

**WHEREAS**, the refusal of the federal government to live up to its commitment to fund forty percent of special education costs has created significant financial challenges for all school districts, particularly smaller school districts with smaller budgets and districts that establish outstanding special education programs and attract more families with special needs children; and

**WHEREAS**, while Wisconsin students are nationally renowned for academic attainment, an unacceptable number of students, particularly those in low income areas, perform below state and national standards and fail to graduate from high school; and

**WHEREAS**, research clearly demonstrates that high-quality early childhood education yields significant results throughout children’s lives, including improved academic performance, reduced special education placements, higher graduation rates, and reduced involvement with the criminal justice system.

**NOW, THEREFORE, I, JIM DOYLE**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this state, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

- 1.Create the Governor’s Task Force on Educational Excellence (“Task Force”); and
- 2.Provide that the Task Force shall consist of not more than thirty one members appointed by the Governor to serve at the pleasure of the Governor; and
- 3.Provide that the Governor shall designate one member of the Task Force as chairperson to serve in that capacity at the pleasure of the governor; and
- 4.Provide that the Task Force shall have the following mission in reviewing the state of education in Wisconsin and identifying measures to positively reform Wisconsin’s education delivery system:

a. Study and make recommendation regarding the cost of providing a great education to every child in Wisconsin and determine the level at which Wisconsin citizens are prepared to fund that education; and

b. Review how the state funds education through a combination of state and local taxes, and make recommendations regarding what proportion of these two taxes is fair and reasonable to fund public education. In making recommendations, consider the constitutional requirement for equal opportunity, local control in decision making, and the effect of financing systems on property and other tax rates; and

c. Study and make recommendations on how to improve the state’s ability to attract, recruit, train, and retain high quality teachers so that every child and every classroom has a highly qualified teacher, including ways to increase compensation to attract our best young students to the profession, keep our experienced teachers in the profession, and align our best teachers with the toughest challenges; and

d. Consider and recommend ways to adequately fund special education, including ways to share special education costs more evenly across the state, while assuring that public education is available to all; and

e. Review existing barriers to academic achievements in Wisconsin and make recommendations to ensure that every student has an equal opportunity to a great education, regardless of location, disability, language barriers, and economic situation; and

f. Study Wisconsin's current investments in early childhood education and recommend ways to make other early investments in education to increase student achievement and accomplish other positive long-term results.

5. Direct the Department of Administration, the Department of Revenue, the Department of Public Instruction, and other state agencies to assist the Task Force with administrative and support services; and

6. Direct the Department of Administration to provide the Task Force with such sums of money as are necessary for travel and operating expenses in accordance with Section 20.505(4)(ba) of the Wisconsin Statutes; and

7. Require the Task Force to submit a final report on its findings and recommendations to the Governor and that the Task Force shall dissolve when its final report is accepted by the Governor.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twenty-second day of August, 2003.

JIM DOYLE  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Governor**

August 20, 2003

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>
<b>Senate Bill 14</b>	<b>Wisconsin Act 50</b>	August 20, 2003
<b>Senate Bill 56</b>	<b>Wisconsin Act 54</b>	August 20, 2003
<b>Senate Bill 25</b>	<b>Wisconsin Act 55</b>	August 20, 2003

Sincerely,

JIM DOYLE  
Governor

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 4</b>	Wisconsin Act 49	September 2, 2003

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 14</b>	Wisconsin Act 50	September 4, 2003
<b>Senate Bill 56</b>	Wisconsin Act 54	September 4, 2003
<b>Senate Bill 25</b>	Wisconsin Act 55	September 4, 2003

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Administration  
Department of Natural Resources**

August 19, 2003

The Honorable, The Legislature:

Attached to this letter is the Environmental Improvement Fund Biennial Finance Plan for the 2003-2005 biennium.

Environmental Improvement Fund program legislation (s. 281.59(3), Wis. Stats.) requires the Department of Natural Resources and the Department of Administration to submit the final version of the Biennial Finance Plan to the Legislature and to the State Building Commission following enactment of the biennial budget. The purpose of the plan is to provide information on loan, loan subsidy, and bonding levels for program operations in the 2003-2005 biennium.

Also attached is the Environmental Improvement Fund Biennial Report for the 2001-2003 biennium. The report provides information on the activities and operations of the program during the previous biennium. This report is submitted in accordance with s. 281.59(3)(j), Wis. Stats.

If you have any questions regarding the Biennial Finance Plan, please contact Kathryn A. Curtner at 266-0860 or Michael Wolff at 267-2734.

Sincerely,

KATHRYN A. CURTNER, Director  
Bureau of Community Financial Assistance  
Department of Natural Resources

MICHAEL WOLFF  
Finance Program Administrator  
Department of Administration

Referred to committee on **Environment and Natural Resources**.

**State of Wisconsin  
Department of Commerce**

August 22, 2003

The Honorable, The Legislature:

As specified in 101.122, we are submitting 2002 year's annual report for the Rental Weatherization Program. This program began on January 1, 1985. Additional copies of the report are available by contacting the Program Manager at:

Rental Weatherization Program  
Commerce-Safety and Buildings Division  
Telephone: (608) 266-5649

Sincerely,

CORY L. NETTLES  
Secretary

**State of Wisconsin  
Ethics Board**

August 26, 2003

To the Honorable the Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2001 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

Abel, Becky	<b>Wisconsin Wetlands Association</b>
Franken, Andrew	<b>Wisconsin Economic Development Association</b>
Franken, Andrew	<b>Wisconsin Mortgage Bankers Association</b>
Petlock Pauser, Alice	<b>Demeter Foundation, The</b>

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have

spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,

R. ROTH JUDD  
Director

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 03-035**

Relating to use regulations on department properties.  
Submitted by Department of Natural Resources.  
Report received from Agency, August 27, 2003.

Referred to committee on **Environment and Natural Resources**, August 27, 2003.

**Senate Clearinghouse Rule 03-040**

Relating to petitions for review.  
Submitted by Tax Appeals Commission.  
Report received from Agency, August 20, 2003.

Referred to committee on **Homeland Security, Veterans and Military Affairs and Government Reform**, August 27, 2003.

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The committee on **Environment and Natural Resources** reports and recommends:

**Senate Clearinghouse Rule 01-081**

Relating to the control of mercury emissions to address the atmospheric deposition of mercury.

Modifications requested, Ayes 3, Noes 2.  
Ayes, 3 – Senators Kedzie, Stepp and Zien.  
Noes, 2 – Senators Risser and Wirch.

Neal Kedzie  
Chairperson