

STATE OF WISCONSIN
Senate Journal
Ninety–Eighth Regular Session

FRIDAY, November 16, 2007

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

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

November 16, 2007

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:

Bill Number	Act Number	Date Approved
Senate Bill 186	Act 33	November 16, 2007
Senate Bill 214	Act 34	November 16, 2007

Respectfully submitted,
JIM DOYLE
Governor

**State of Wisconsin
Department of Transportation**

October 8, 2007

The Honorable, The Senate:

The Wisconsin Department of Transportation is required to have cost–efficiency standards for Wisconsin transit systems, as specified by statute and administrative rule. The language contained in Administrative Rule TRANS 4 states:

“The department shall assess the performance of each transit system receiving aid under the {state operating assistance} program on an annual basis, using the six performance indicators defined in sub. (2) . . .”

The six performance indicators are: passengers/capita, expense/passenger, expense/revenue hour, passengers/revenue hour, revenue hours/capita, and operating ratio (revenue/expense ratio). The cost–efficiency standards implementation plan (attached) discusses in greater depth the process and methodology for determining transit system compliance.

The preliminary results of this analysis show that 66 of Wisconsin’s 69 transit systems are in compliance with the cost–efficiency standards. Further analysis is underway for three transit systems; New Richmond (Shared Ride Taxi), Plover (Shared Ride Taxi), and Waterloo/Marshal (Shared Ride Taxi) whose stage 1 & 2 analyses indicate a need for further evaluation.

The process of analysis follows a tiered methodology (attached). Transit systems are divided into six peer groups based on commonality of operating system characteristics. The first stage of analysis involves peer group comparisons by system type. To be judged in compliance at this stage, a transit system must meet or exceed the performance standard for four of the six performance measures.

Five shared ride taxi transit systems (New Richmond, Ozaukee Co., Plover, Washington Co. and Waterloo/Marshall) were found to be out of compliance with three or more of the six performance measures after this step. A detailed chart of the step one analysis is attached.

For transit systems not meeting the cost–efficiency standards at step one, a second stage of analysis is prescribed. The step two analysis involves a time–trend review over a five–year period. When a system shows improvement over those five years in enough measures so that the number totals at least four of the six indicators, then that system is deemed to be in compliance.

After performing the second step of the analysis, three transit systems will need a third step evaluation (New Richmond, Plover, and Waterloo/Marshall). A detailed matrix of the step two analysis is also attached.

A third tier analysis assesses the implementation status of recommendations made in the transit system’s most recently completed management performance audit. A third tier analysis for New Richmond, Plover, and Waterloo/Marshall could not be conducted, as management performance audits have not traditionally been performed for Shared Ride Taxis. Therefore, Wisconsin DOT will now conduct a management performance audit of these systems to begin the third tier analysis process. New Richmond, Plover, and Waterloo/Marshall will not be deemed to be in compliance until the performance review has been completed and recommendations for improvement are available.

In viewing the detailed data sheets, it is useful to note that the analyses for Milwaukee County, Madison, and the medium–sized bus systems use an external peer group. The data is drawn from the National Transit Database for the year 2004. Since comparable national transit data for small–sized transit systems is not available, the analyses for the small bus group, commuter bus group, and shared–ride taxi group use the statewide peer group itself for comparison. This group primarily uses 2004 actual data, as reported in each system’s 2006 annual application for state aid.

Since CY 2004 data is used, this analysis does not reflect decisions made locally beyond 2004 to improve performance. If available, this information will be included in the completed

management performance audits for New Richmond, Plover, and Waterloo/Marshall.

If you have any questions about these standards or the analysis, please contact me at 608-266-0189.

Sincerely,
JOHN ALLEY
Chief, Public and Specialized Transit Section

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

November 9, 2007

The Honorable, The Senate:

Attached to this letter is the Environmental Improvement Fund Biennial Report for the 2005-2007 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 Report, please contact Bob Ramharter at 266-3915 or Frank Hoadley at 266-2305.

Sincerely,
FRANK HOADLEY
Capital Finance Director
Department of Administration
DEBRA K. MARTINELLI
Director, Bureau of Community Financial Assistance,
Department of Natural Resources

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

**State of Wisconsin
Legislative Audit Bureau**

November 9, 2007

The Honorable, the Legislature:

At the request of the departments of Commerce and Administration, and in accordance with s 13.94(1s), Wis. Stats., we have completed a financial audit of the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program for the fiscal years ending June 30, 2007, and June 30, 2006. We express our unqualified audit opinion on the Statement of Changes in Program Assets and related notes.

Under the program, the State has issued revenue obligations, such as bonds and commercial paper, to provide financing for payment of claims under the Wisconsin Petroleum Environmental Cleanup Fund Award (PECFA) program. These revenue obligations are not general obligation debt of the State. Instead, they are to be repaid primarily from petroleum inspection fees established under s. 168.12(1), Wis. Stats., and collected by the Department of Revenue.

During fiscal year 2006-07, the State collected \$75.4 million in petroleum inspection fees and made \$32.5 million in scheduled debt service payments, including \$19.8 million in principal repayment and \$12.7 million in interest. In addition, fees collected during the previous fiscal year were used for the early redemption of \$37.9 million in outstanding petroleum inspection fee revenue bonds. As of June 30, 2007, a total of \$272.6 million in revenue obligations remained outstanding, to be repaid from future petroleum inspection fees.

We appreciate the courtesy and cooperation extended to us during the audit by staff of the departments of Commerce, Administration, and Revenue.

Respectfully submitted,
JANICE MUELLER
State Auditor

**State of Wisconsin
Ethics Board**

November 13, 2007

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 2007-2008 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us/>

Driessen, Anthony	WISDOM, Inc.
Groves Batiza, Monica	Wisconsin Counties Association
Jacklitz, Jill	Wisconsin Council on Children & Families
Kuehn, Ronald W	Timber Creek Financial LLC
McDaniel, Elizabeth	Wisconsin Environment, Inc.
Reinemann, John	Wisconsin Counties Association

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
Executive Director

**State of Wisconsin
Legislative Audit Bureau**

November 16, 2007

The Honorable, the Legislature:

As directed by s. 13.94 (1)(p), Wis. Stats., we have completed a limited-scope review of the Private Employer Health Care Coverage Program created by 1999 Wisconsin Act 9. The Department of Employee Trust Funds (ETF) and the Private Employer Health Care Coverage Program Board were to have established a voluntary purchasing pool designed to allow a large number of small employers to provide a choice of competing health plans for their employees, reduce administrative costs, provide leverage in negotiating lower premiums, and reduce financial risk for insurers. It has not been implemented, in part because of a lack of interest by insurers, and program development efforts ended in 2003.

ETF and the Board attempted to design an actuarially sound statewide program and to contract with a private program administrator, as required by statutes. However, no contract proposals were received in response to a request issued by ETF in November 2000. Potential administrators cited numerous concerns, including the risk of adverse selection, which occurs when an insurance pool attracts individuals who have greater health care needs and are more expensive to serve, but not those who are less-expensive to serve and can pay lower premiums elsewhere.

After working with insurers and representatives of small employers, seeking changes to statutory program requirements, and commissioning an independent study, ETF and the Board recommended in March 2003 that the program be repealed, the Board disbanded, and any remaining funds returned to the General Fund. The Legislature has taken no further action on

the Private Employer Health Care Coverage Program but has developed other proposals to expand access to health care for small employers, including several bills introduced in the 2007 session. Other states have established small employer purchasing pools with mixed results.

We appreciate the courtesy and cooperation extended to us by ETF staff during the course of our review.

Respectfully submitted,
JANICE MUELLER
State Auditor

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

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

Senate Clearinghouse Rule 06–109

Relating to incorporation of revisions and additions to the federal new source performance standards.

No action taken.

MARK MILLER
Chairperson

Motions Under Senate Rule 98 and Joint Rule 7 for the Month of October 2007

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Appleton East High, on the occasion of completing the Movin' and Munchin' school project 2006–07.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Badger Elementary, on the occasion of completing the Movin' and Munchin' school project 2006–07.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Janet Berry Elementary, on the occasion of completing the Movin' and Munchin' school project 2006–07.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Bradley Biddick, on the occasion of receiving the University of Wisconsin–Madison College of Agriculture and Life Sciences 2007 Honorary Recognition Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Pastor David Blathers, on the occasion of his more than 20 years of service to the City of Milwaukee and State of Wisconsin.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Matt Boeding, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Ryan Brahmstadt, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Martha Bresler, on the occasion of being the recipient of the East Troy Family and Community Resource Center Outstanding Citizen of the Year Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Rebecca Buchholtz, on the occasion of being the recipient of the 2007 East Troy Family and Community Resource Center Student Citizen of the Year Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Classical School, on the occasion of completing the Movin' and Munchin' school project 2006–07.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Columbus Elementary, on the occasion of completing the Movin' and Munchin' school project 2006–07.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Coggs, for the Cream City Medical Society, on the occasion of honoring its 80th year of constant and diligent service.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grothman, for Katherine Dogs, on the occasion of earning and attaining the 4–H Key Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for the East Troy Lions Club, on the occasion of 70 years of outstanding service to the community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Coggs, for the Allen Ebenezer Christian Methodist Episcopal Church, on the occasion of celebrating its grand re–opening.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Norm Faber, on the occasion of his years of dedicated service to the Town of Ithaca, State of Wisconsin and Richland County.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for the Franklin Lions Club, on the occasion of 50 years of outstanding service to the community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Ferber Elementary, on the occasion of completing the Movin' and Munchin' school project 2006–07.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Jauch, for Dara Fillmore, on the occasion of receiving the 4–H Citizenship Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for the Greendale High School Marching Band and Director Tom Reifenberg, on the occasion of their outstanding dedication and talent and being the 2007 Class AA Wisconsin School Music Association High School Marching Band Champions.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Charles “Charlie” J. Hargan, on the occasion of being named the Germantown Area Chamber of Commerce 2007 Citizen of the Year.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for James Hickey, on the occasion of receiving the French Legion of Honor Award from the Consulate General of France.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Homme Home of Wittenberg, on the occasion of its 125 years of caring for the elderly of north central Wisconsin.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Huntley Elementary, on the occasion of completing the Movin' and Munchin' school project 2006–07.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Reverend William Jackson, on the occasion of his dedicated service to the Cornerstone Baptist Church.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Jefferson Elementary, on the occasion of completing the Movin' and Munchin' school project 2006–07.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Lucas Jorgenson, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Daniel M. Kawleski, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for the Land O' Lakes Fish and Game Club, on the occasion of celebrating their 60th Anniversary.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Miller, for the Reverend Sue Moline Larson, on the occasion of her years of service to the people of Wisconsin.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Cheryl and John Lubotsky, on the occasion of being the Mequon Jewish Preschool's Champions of Children.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Darren R. McCarthy, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Andrew J. Muhich, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Sullivan, for Dr. David Murphy, on the occasion of receiving the Phillip Sirotkin Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Phillips Pharmacies, on the occasion of over 60 years of outstanding service to its customers.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Bernard and Patricia and the Pigeon family farm, on the occasion of its 150th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Fitzgerald, for Jessica Pillsbury, on the occasion of earning and attaining the 4–H Key Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Cowles, for Plumbers and Steamfitters Local 400, on the occasion of their volunteer efforts through the Project Heat's On and celebrating its 15th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Bob Pofahl, on the occasion of his honorary recognition by the UW–Madison College of Agricultural and Life Sciences Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Nicholas Lee Price, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Mark Riechers, on the occasion of receiving the University of Wisconsin–Madison College of Agriculture and Life Science 2007 Honorary Recognition Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Sullivan, for Taylor Schneider, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for David Seering, on the occasion of giving back to the community and for sharing with the world his musical gifts.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lehman, for the German card game Sheepshead (Schafskopf), on the occasion of honoring all the participants of this year's National Championship Tournament being held in Green Bay.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Kevin Stagl, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for William F. J. Sullivan, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for the Thiensville–Mequon Rotary Club, on the occasion of celebrating their 70th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Sullivan, for Alex R. Weiland, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin Council of Churches, on the occasion of its 60th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Ryan Michael Voss, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Coggs, for the Zink the Zebra Foundation, on the occasion of receiving the 2007 Vision for Milwaukee Award.