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☞ Details: Miscellaneous correspondence

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Joint

(Assembly, Senate or Joint)

### Committee on Audit...

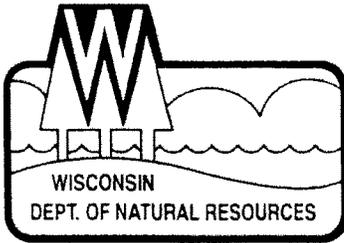
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- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
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(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (October 2012)



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY 608-267-6897

June 3, 2005  
Ms Janice Mueller, State Auditor  
Legislative Audit Bureau  
22 E. Mifflin Street  
Madison, WI 53705

Subject: Limited Scope Review of Pesticide and Fertilizer Fees and Surcharges

Dear Ms. Mueller:

This letter represents the Department of Natural Resources (DNR) response concerning the Legislative Audit Bureau's (LAB) limited scope review dated September 19, 2003 titled Pesticide and Fertilizer Fees and Surcharges. In that letter, the LAB had the following recommendations including:

- o DNR to better demonstrate how pesticide and fertilizer fees are used by modifying its time-keeping system to monitor pesticide and fertilizer-related activities.
- o DNR and DATCP complete and implement revisions to a memorandum of understanding that would ensure the timely exchange of useful program management information on spills and site cleanups.

### **Air and Waste Management Division**

The Air and Waste Division has taken the following steps concerning your letter.

- o The Bureau for Remediation and Redevelopment and the Bureau of Waste Management have established activity codes concerning this issue. Attached is a paper identifying the new activity codes and describing the work covered by them. These codes allow for the division to better monitor activities related to agricultural chemicals.
- o The DNR and DATCP have updated our MOU concerning the discharge of hazardous substances. A copy of the MOU is attached.

### **Drinking Water and Groundwater Program**

Due of the type of work in the Drinking Water and Groundwater program, activity codes have not been setup to specifically track agrichemical related activities. As we mentioned in the September 2003 meeting with the Legislative Audit Bureau, it is not cost effective or productive for the Drinking Water and Groundwater program to single out and track pesticide and fertilizer related activities from all the other contaminants we regulate.

The mission of the Bureau of Drinking Water and Groundwater is to protect public health by ensuring the safety of drinking water. In order to accomplish this mission the program regulates of over 11,000 public water systems and the construction 17,000 new wells each year. Eighty six different contaminants are regulated through National Drinking water Standards and 130 contaminants are regulated through Wisconsin's groundwater quality standards - some of which are related to pesticides and fertilizers while many are not. It would be very difficult and costly for water supply specialists and engineers to determine how much of a sanitary survey, annual inspection, or well construction inspection was related to agrichemical issues vs. other land use issues for each individual well or intake.

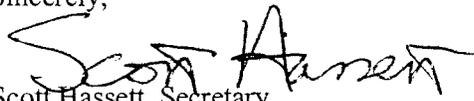
Even though the work of the Drinking Water and Groundwater program does not lend it self to specifically tracking pesticide and fertilizer related costs – it is clear that agrichemical contamination is a significant problem in Wisconsin. For example, we now estimate that at least 10% of Wisconsin's private wells contain nitrates in excess of 10 mg/l. Identifying and dealing with agrichemical issues is one of the Drinking Water and Groundwater program's major areas of concern.

**Watershed Management Program**

The Bureau of Watershed Management has conducted an analysis of their time keeping system due to the concerns raised by the Legislative Audit Bureau. A copy of that analysis is attached. This analysis provides information on how the fee contributions are used within that program. The program's time keeping system documents the amount of time staff statewide devote to work activities and identifies a number of outputs related to pesticide and nutrient management. A discussion of each activity is provided in Table 1 of the analysis. The Bureau of Watershed Management believes this analysis provides the best quantitative information that monitors work activities relating to addressing the groundwater and surface water impacts of pesticides and nutrients from fertilizers.

We believe this response addressed the recommendations in your review for the Department. Please contact Lance Potter at 608/267-7418 if you have questions.

Sincerely,



Scott Hassett, Secretary

cc:	Senator Carol Roesler	Representative Suzanne Jeskewitz
	Al Shea – AD/5	Todd Ambs – AD/5
	Mark Giesfeldt – RR/3	Suzanne Bangert – WA/3
	Russ Rasmussen – WT/2	Jill Jonas – DG/2
	Kathy Pielsticker – DATCP	

Attachments

1. Activity Codes Adopted by RR and WA programs
2. Watershed Management Time Activity Reporting Analysis.
3. MOU on Discharges of Hazardous Substances between DATCP and DNR – March, 2005

## ACTIVITY CODES ADOPTED BY RR and WA PROGRAMS

### Bureau for Remediation and Redevelopment

**RECD** – Agriculture Related Administrative and Site Cleanup to include time spent on the following activities:

Policy and administrative, including:

- Preparing and updating the DATCP/DNR MOU
- Lead arsenate (orchards) guidance development
- Information sharing per the MOU, sharing of BRRTS information, and other related reporting and record keeping activities
- DATCP/DNR cross program evaluation
- Policy development related to brownfields grants at DATCP sites
- Other policy development, rulemaking, guidance development, or administrative activities involving DATCP/DNR issues/interests

DNR involvement in Agri-Chem site-specific cleanup activities, for sites without a site-specific activity code, and for sites whose time cannot be charged to a federal grant, including:

- Agri-Chem spill response
- Assistance to DATCP in cleanup at Agri-Chem facilities under DATCP jurisdiction
- Cleanups at sites under DNR jurisdiction which involve agricultural chemicals, pesticides (includes wood treatment sites), Agricultural Cooperatives, or agricultural petroleum wastes
- Cleanups at sites where mingled plumes contain agricultural chemicals
- DATCP/DNR joint closure reviews
- Brownfield grants at sites which involve agricultural chemicals, pesticides (includes wood treatment sites), Agricultural Cooperatives, or agricultural petroleum wastes
- Redevelopment assistance (liability clarification letters and green team meetings, etc.) at sites which involve agricultural chemicals, pesticides (includes wood treatment sites), Agricultural Cooperatives, or agricultural petroleum wastes
- Other Agri-Chem site-specific activities

### Bureau of Waste Management

**WAHG** – Agriculture related administrative and site specific time spent on the following activities:

- Work related to Agri-Chem waste issues such as solid or hazardous waste issues related to pesticides and herbicides,
- Agricultural waste burning,
- Agricultural plastic recycling,
- Orchard clean-up and related waste work,
- Preparing and updating the DATCP/DNR MOU,
- Agri-chem clean sweeps,
- Bioterrorism and dead animal disposal options, and
- Any facility, administrative and policy activities relating to agriculture issues."

## WATERSHED MANAGEMENT TIME ACTIVITY REPORTING ANALYSIS PESTICIDE AND NUTRIENT MANAGEMENT

**Background:** On September 23, 2003, the Legislative Audit Bureau completed a limited-scope review of revenues and expenditures related to revenues and expenditures generated by fees and surcharges on pesticides and fertilizers used in Wisconsin. In their letter on the same date, the State Auditor requested that DNR "better demonstrate how these fees are used by modifying its time-keeping system in order to better monitor pesticides and fertilizer-related activities." The purpose of this analysis is to provide this quantitative information to demonstrate how the fee contributions are used.

**Analysis:** The Bureau of Watershed Management operates a time keeping system that documents the amount of time that statewide staff devote to all work activities. The Bureau of Watershed Management has identified a number of specific outputs that relate to pesticide and nutrient management. A discussion of each activity is provided in Table 1 on the next page with an indication of the number of hours that were devoted to this work item in fiscal year 2003-2004.

The Bureau of Watershed Management believes that this analysis provides the best quantitative information that monitors work activities relating to addressing the groundwater and surface water impacts of pesticides and nutrients from fertilizers. The Bureau was unable to make major modifications to its time reporting system for the reasons stated below:

- US Environmental Protection Agency provides grant funding under the performance partnership grant/agreement. The agreement requires that activity codes be configured in a way to demonstrate grants earnings. For example, the Water Program is required to demonstrate state match for the Section 106 grant of over \$2 million. As a result we are restricted in making major changes to activity code configurations that do not meet federal audit requirements and are associated with specific regulatory work that has been delegated to the Department.
- Much of the work associated with pesticides and nutrients is a component of other work that is more closely aligned to a particular regulatory requirement. For example, DNR calculates effluent limits for WPDES permits that include limits on organic compounds with pesticide origins. The effluent limit calculations also cover conventional pollutants. It is impossible for staff to differentiate time periods spent developing limits between individual pollutants.

However, the Bureau believes there is sufficient data available in the current time reporting system to provide the quantitative analysis that was requested by the State Auditor. We do recognize that the bulk of the time recorded for these work activities can be allocated to other purposes and other funding sources not related directly to pesticides and nutrients. For example, there are a number of water quality standards that are under development unrelated to nutrients or pesticides. However, we believe that at least 15% of the time reported in the table provides an accurate allocation of the level of activity by Watershed Management staff that would be directly attributable to nutrients and pesticides. This ratio is based on discussions with individuals that are responsible for the work that is described in the table. Application of this general rule shows that approximately 5.9 FTE do work related to this funding source.

**Conclusion:** The Department of Natural Resources' Watershed Management Program carries out a sufficient level of work to sustain the positions levels that are allocated to pesticide and fertilizer management. In FY 2004, 6 to 33 FTE do work activities that directly or indirectly address pesticides and nutrients. Watershed Management has approximately 5.8 FTE funded by the environmental fund from the pesticide/fertilizer fee collections.

**Table 1 – Time Activity Reports for Pesticide/Nutrient Work in the Watershed Management Subprogram**

Activity Code	Activity Description and How it is related to Nutrients and Pesticides.	Pesticide Nutrient or both	DNR FY 2004 Activity (hours)	Full Time Equiv. *
WTAZ	Investigations of chemical & nutrient spills to groundwater & surface waters	Both	362	0.20
WTSA	Derivation of groundwater and water quality based effluent limitations in discharge permits for industries and municipalities which includes substances of concern by	Pesticides	7559	4.14
WTAU	Compliance activities to protect groundwater and surface water related to the land application of nutrients to agricultural lands.	Nutrients	8327	4.56
WTPD WTPN WTPG	Implementation activities related to the Lake Superior and Michigan Lakewide Management Plan and the Lake Superior Bi-national Agreement. The plan and agreement includes lists of substances that originated from pesticide application that need to be addressed to protect and improve Great Lakes Water Quality and reduce contamination.	Pesticides	7572	4.15
WTSD	Development of Water Quality Standards including nutrients such as nitrogen and phosphorous.	Nutrients	10,005	5.48
WTNA WTAM	Implementation of the Priority Watershed and Targeted Runoff Management programs including implementation of performance measures to address nonpoint source pollution. Includes mixing and loading facility work activities and integrated pest management planning activities.	Both	16,951	9.29
WTPK	Water quality modeling activities associated with nutrient impacted surface waters.	Nutrients	4207	2.02
WTSQ WTTM WTST	Development and implementation of Total Maximum Daily Loads. Over half of the water bodies that are on Wisconsin's impaired waters list are impaired by nonpoint source pollution caused by nutrient contributions from fertilizers and manure.	Nutrients	3769	2.06
FHLG	Fish Contaminant Monitoring and toxicology studies that are completed to determine whether fish are safe to eat by humans. Many state waters are contaminated with pollutants that were derived from pesticides that have been taken up by fish.	Pesticides	1020	0.56
FHIL	Aquatic plant management including the determination of sensitive areas. With discharges of increasing nutrients to state waters, there has been increased growth of aquatic plants in state waters. This has increased the number of sites where state residents are requesting DNR permits to treat aquatic plants with chemicals or cut and harvest aquatic plants.	Both	12,543	6.87
TOTAL			68,546	32.95

\*The calculation of full time equivalent position is based on 1825 hours. This figure is used by DNR for work planning purposes and excludes leave.

**MEMORANDUM OF UNDERSTANDING**

**Between the Wisconsin Departments of Agriculture, Trade & Consumer Protection  
And Natural Resources**

**DISCHARGE OF HAZARDOUS SUBSTANCES**

**March, 2005**

**MEMORANDUM OF UNDERSTANDING**  
**Between the Wisconsin Departments of Agriculture, Trade & Consumer Protection**  
**And Natural Resources**

**DISCHARGE OF HAZARDOUS SUBSTANCES**

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WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

July 13, 2005

Mr. Scott Hassett, Secretary  
Department of Natural Resources  
101 South Webster Street, 5<sup>th</sup> Floor  
Madison, Wisconsin 53703

Dear Mr. Hassett:

Thank you for your letter, dated June 3, which describes the steps the Department of Natural Resources has taken to address the recommendations contained in the Legislative Audit Bureau's September 2003 letter report on Pesticide and Fertilizer Fees and Surcharges.

Your letter demonstrates the Department's efforts to implement changes to its time-keeping system in the Division of Air and Waste. The new time reporting codes appear meaningful, and these changes should allow the Department to better monitor the time spent on pesticide and fertilizer-related activities.

You also included the March 2005 memorandum of understanding with the Department of Agriculture, Trade and Consumer Protection with your letter. The memorandum identifies the database the departments will use to hold site-specific spill information. While this database, accessible via the Internet, should make good site management information available to both agencies, regular updates and careful data management techniques by both departments will be necessary to ensure the database remains as comprehensive, accurate, and useful as possible.

Thank you for submitting this follow-up report. We believe the Department's efforts to implement the Legislative Audit Bureau's recommendations will improve overall program management and position the Department to respond well to future questions about the use of funds from the Environmental Management Account.

Thank you for your cooperation.

Sincerely,

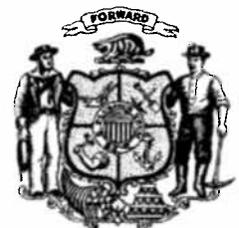
Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

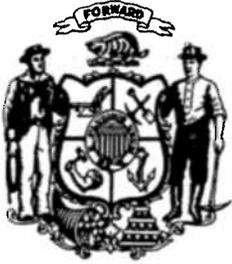
Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

cc: Janice Mueller  
State Auditor



# WISCONSIN STATE LEGISLATURE





# STATE OF WISCONSIN

August 22, 2005

Sen. Carol Roessler, Co-Chair  
Joint Legislative Audit Committee  
Room 8 South, State Capitol  
PO Box 7882  
Madison, WI 53707-7882

Rep. Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee  
Room 314 North, State Capitol  
PO Box 8952  
Madison, WI 53708-8952

Dear Senator Roessler and Representative Jeskewitz:

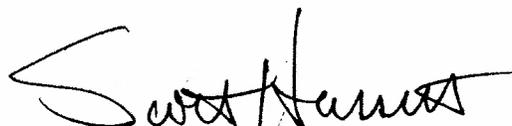
The Department of Natural Resources and the Department of Commerce are pleased to transmit to you the Semi-Annual Status Report on Petroleum Storage Remedial Action; Financial Assistance and Petroleum Storage Tank Discharges (PECFA Program) for the period of January 1<sup>st</sup> through June 30<sup>th</sup>, 2005.

As directed in Wisc. Stats. 101.143 (11), the report summarizes the activities completed for the PECFA Program during the second half of FY2004-05. The report provides the results of implementation of the statutory requirements, including a summary of the pertinent demographic information such as the number of sites within the Program, the date of receipt of the site investigation report, a listing of environmental risk factors for each of the sites, a breakdown of PECFA costs for claims submitted, a description of cost controls implemented within the Program, and progress made in evaluating fraud and other complaints.

If you or your staff have any questions regarding this report, please contact us so that we can provide any needed clarifications. You can reach Al Shea, DNR Division Administrator for Air and Waste Management, at 608-266-5896, and Oscar Herrera, Commerce PECFA Bureau Director, at 608-266-7605.

Sincerely,

  
for Mary Burke, Secretary,   
Department of Commerce

  
Scott Hassett, Secretary  
Department of Natural Resources

Cc: Secretary Marc Marotta, Department of Administration  
Kendra Bonderud, Legislative Fiscal Bureau

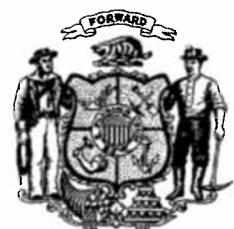


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**For further assistance, contact the reference desk at (608) 266-0341 or [lrb.reference@legis.wisconsin.gov](mailto:lrb.reference@legis.wisconsin.gov).**

State of Wisconsin - Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53703



**SEMI-ANNUAL REPORT  
ON  
PETROLEUM STORAGE REMEDIAL ACTION;  
FINANCIAL ASSISTANCE**

January 1st through June 30, 2005

Wisconsin Department of Commerce  
Division of Environmental & Regulatory Services  
Petroleum Environmental Cleanup Fund (PECFA) Bureau

Wisconsin Department of Natural Resources  
Division of Air & Waste Management  
Remediation & Redevelopment Bureau

# **REPORT ON PETROLEUM STORAGE REMEDIAL ACTION; FINANCIAL ASSISTANCE**

**January 1st through June 30th, 2005**

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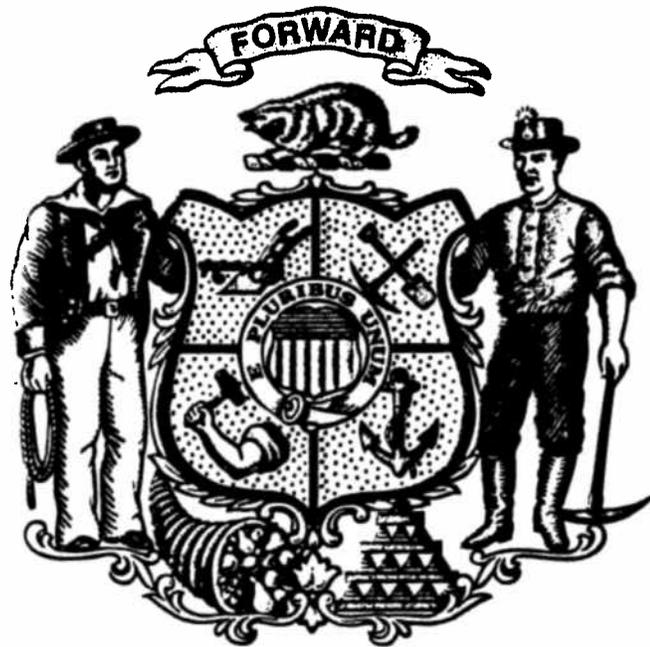
### **Activities Related to Petroleum Storage Tank Remedial Action**

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- Engineering Consulting Firms Providing Services to Claimants
- Charges for Engineering Consulting Services
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- Status of PECFA Appeals Backlog and Efforts to Improve the Appeal Process

### **Summary**

### **Attachments**

- A** DNR Status of Remediation of Petroleum Sites
- B** Department of Commerce Case File Review
- C** Engineering Consulting Firms Providing Services to Claimants per Firm
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STATE OF WISCONSIN

Legislative Audit Bureau

22 E. Mifflin St., Ste. 500  
Madison, Wisconsin 53703  
(608) 266-2818  
Fax (608) 267-0410  
Leg.Audit.Info@legis.state.wi.us

Janice Mueller  
State Auditor

October 18, 2005

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Senator Scott Fitzgerald and  
Representative Dean Kaufert, Co-chairpersons  
Joint Committee on Finance  
State Capitol  
Madison, Wisconsin 53702

Dear Co-chairpersons:

The State's Annual Fiscal Report for fiscal year (FY) 2004-05, which was issued on October 17, 2005, shows an unreserved, undesignated General Fund surplus balance of \$4.1 million. I am writing to inform you of accounting changes by the Department of Administration that led to the reported surplus balance. These changes also resulted in the continuation of a deficit balance in the Medical Assistance Trust Fund at the end of FY 2004-05.

Throughout much of FY 2004-05, the Medical Assistance Trust Fund had a deficit balance because expenditures exceeded anticipated revenues. To address the shortfall, 2005 Wisconsin Act 2 directed that \$50.0 million be transferred from the General Fund to the Medical Assistance Trust Fund. 2005 Wisconsin Act 15 subsequently directed that an additional \$75.0 million be transferred to the Medical Assistance Trust Fund to cover the full deficit by the end of FY 2004-05.

On June 28, 2005, the Department of Administration transferred \$75.0 million from the General Fund to the Medical Assistance Trust Fund. On June 29, 2005, it reported to the Legislature on deficit cash balances, as required by s. 20.002(11)(f), Wis. Stats. In explaining the deficit in the Medical Assistance Trust Fund during May 2005, the Department of Administration indicated that "(t)his deficit will decline by \$125.0 million in June when revenue is transferred from the general fund to the Medical Assistance Trust Fund as required by 2005 Wisconsin Act 2 and 2005 Wisconsin Act 15."

Last week, it became apparent that because of errors we identified in the Department of Revenue's accounting for individual income tax revenues, the General Fund's unreserved, undesignated balance at the end of FY 2004-05 would have been reported as a deficit of \$50.9 million in the Annual Fiscal Report. However, as the report was finalized, the Department of Administration

made the following accounting changes. First, it reversed the June 28, 2005 transfer of \$75.0 million from the General Fund to the Medical Assistance Trust Fund. Second, it divided the \$75.0 million between two fiscal years, so that \$20.0 million was reported during FY 2004-05 and the remaining \$55.0 million was reported during FY 2005-06.

Because of these changes, the Annual Fiscal Report included a positive unreserved, undesignated General Fund balance of \$4.1 million as of June 30, 2005. However, because the entire \$75.0 million transfer specified in 2005 Wisconsin Act 15 was not made as of the end of FY 2004-05, a deficit balance of \$53.9 million was reported in the Medical Assistance Trust Fund.

Representatives of the Department of Administration believe that the reversal of the initial \$75.0 million transfer and subsequent division of funds between two fiscal years is allowable under s. 16.52(12), Wis. Stats., which allows that agency's Secretary to determine the timing of interfund transfers when the Legislature does not specify a date. Agency representatives also indicate that if the Department of Revenue's accounting errors had been known, the Department of Administration would not have transferred \$75.0 million from the General Fund on June 28, 2005, because sufficient funds would not have been available.

We are concerned because the Department of Administration's action is in conflict with the Legislature's intent that the Medical Assistance Trust Fund be balanced at the end of FY 2004-05. We are also concerned that the Department of Administration's interpretation of s. 16.52(12), Wis. Stats., could allow it to delay indefinitely the legislatively mandated transfers to the Medical Assistance Trust Fund under Act 15, as well as any other transfer the Legislature may authorize without specifically stating the date by which it is to be made.

We review the financial statements included in the Annual Fiscal Report because the unreserved, undesignated General Fund balance represents funds available for general appropriation. However, we do not audit those financial statements. The audited financial statements for FY 2004-05 prepared in accordance with generally accepted accounting principles will be included in the State's Comprehensive Annual Financial Report, which is expected to be issued in December 2005.

Please contact me if you have any questions.

Sincerely,



Janice Mueller  
State Auditor

JM/BN/bm

cc: Members, Joint Legislative Audit Committee

Stephen E. Bablitch, Secretary  
Department of Administration

David Schmiedicke, Administrator  
Division of Executive Budget and Finance  
Department of Administration

Members, Joint Committee on Finance

Michael L. Morgan, Secretary  
Department of Revenue

William J. Raftery, State Controller  
Department of Administration





STATE OF WISCONSIN  
Legislative Audit Bureau

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Janice Mueller  
State Auditor

November 23, 2005

Mr. David Mills, Executive Director and  
Members of the Investment Board Audit Committee  
121 East Wilson Street  
Madison, Wisconsin 53703

Dear Mr. Mills and Members of the Investment Board Audit Committee:

We have completed a financial audit of the investment activity of the State Investment Fund, the Retirement Investment Trust Funds, and the Various Funds managed by the State of Wisconsin Investment Board for the year ended June 30, 2005. We issued unqualified auditor's reports on the fair presentation of the financial statements. These financial statements and related opinions are included in the Investment Board's 2005 Annual Report.

As provided for in *Government Auditing Standards*, we are also furnishing you with the auditor's report on internal control over financial reporting and compliance and other matters. We did not identify any compliance or control concerns required to be reported under these standards.

We appreciate the courtesy and cooperation extended to us by Investment Board staff during the audit.

Sincerely,

Janice Mueller  
State Auditor

JM/DA/km

Enclosure

cc: Senator Carol A. Roessler  
Representative Suzanne Jeskewitz



STATE OF WISCONSIN  
Legislative Audit Bureau

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Janice Mueller  
State Auditor

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN  
ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

We have audited the financial statements of the State Investment Fund, the Retirement Investment Trust Funds, and the Various Funds managed by the State of Wisconsin Investment Board as of and for the years ended June 30, 2005 and 2004, and have issued our reports thereon dated August 26, 2005, and November 23, 2005. The financial statements and related auditor's opinions have been included in the State of Wisconsin Investment Board's annual report for 2005. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

**Internal Control over Financial Reporting**

In planning and performing our audit, we considered the Investment Board's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide an opinion on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

**Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Investment Board's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, and contracts, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This independent auditor's report is intended for the information and use of the Investment Board's management and audit committee, and the Wisconsin Legislature. This independent auditor's report, upon submission to the Joint Legislative Audit Committee, is a matter of public record and its distribution is not limited. However, because we do not express an opinion on internal control over financial reporting or on compliance, this report is not intended to be used by anyone other than these specified parties.

LEGISLATIVE AUDIT BUREAU

November 23, 2005

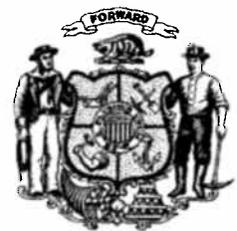
by



Diann Allsen  
Audit Director



# WISCONSIN STATE LEGISLATURE





STATE OF WISCONSIN

Legislative Audit Bureau

22 E. Mifflin St., Ste. 500  
Madison, Wisconsin 53703  
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Fax (608) 267-0410  
Leg.Audit.Info@legis.state.wi.us

January 6, 2006

Janice Mueller  
State Auditor

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Roessler and Representative Jeskewitz:

We have completed our fiscal year (FY) 2004-05 financial audit of the State of Wisconsin Investment Board, as requested by the Investment Board and to fulfill our audit requirements under s. 13.94(1)(df), Wis. Stats. The Investment Board's financial statements present the investments and investment activity for the State Investment Fund, the Wisconsin Retirement System funds, and five other smaller insurance and trust funds. The statements and our unqualified opinions on them are included in the Investment Board's 2005 annual report, which can be found on the Investment Board's Web site.

The State Investment Fund invests the excess operating funds of State of Wisconsin agencies, the retirement funds, and the Wisconsin Local Government Investment Pool. Net investment income earned by the State Investment Fund increased 72.7 percent, from \$64.6 million in FY 2003-04 to \$111.5 million in FY 2004-05 because of higher interest rates in the markets. After factoring in net investment income and net deposits and withdrawals, the State Investment Fund had a net asset balance of \$4.8 billion as of June 30, 2005.

The retirement funds, which include the Fixed Retirement Trust Fund and the Variable Retirement Trust Fund, experienced positive investment returns in FY 2004-05. The Fixed Retirement Trust Fund reported net investment income of \$6.3 billion, and the Variable Retirement Trust Fund reported net investment income of \$483.9 million. After factoring in net investment income, net contribution receipts, and benefit disbursements in FY 2004-05, the net asset balances of the retirement funds as of June 30, 2005, were \$64.0 billion for the Fixed Retirement Trust Fund and \$6.0 billion for the Variable Retirement Trust Fund.

The Investment Board is also responsible for investing the assets of five insurance and trust funds: the Injured Patients and Families Compensation Fund, the State Life Insurance Fund, the Local Government Property Insurance Fund, the EdVest Tuition Trust Fund, and the Historical Society Trust Fund. Each of these funds has different investment policies, as established by the agency responsible for the fund and the Investment Board. The largest of these funds, the Injured Patients and Families Compensation Fund, had net assets totaling \$757.8 million as of June 30, 2005. All of the funds reported positive investment returns.

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons

Page 2

January 6, 2006

*Government Auditing Standards* require us to provide an auditor's report on internal control over financial reporting and on compliance and other matters, which accompanies this letter. As noted in the report, we did not identify any control or compliance concerns that are required to be reported under these standards.

Sincerely,

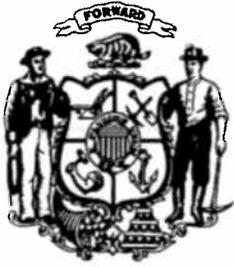


Janice Mueller  
State Auditor

JM/DA/ss

Enclosure





# STATE OF WISCONSIN

February 3, 2006

Sen. Carol Roessler, Co-Chair  
Joint Legislative Audit Committee  
Room 8 South, State Capitol  
PO Box 7882  
Madison, WI 53707-7882

Rep. Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee  
Room 314 North, State Capitol  
PO Box 8952  
Madison, WI 53708-8952

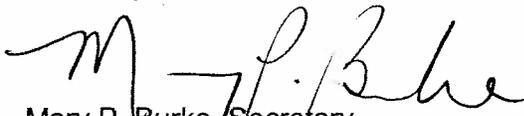
Dear Senator Roessler and Representative Jeskewitz:

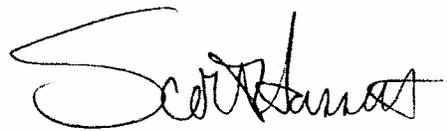
The Department of Natural Resources and the Department of Commerce are pleased to transmit to you the Semiannual Status Report on Petroleum Storage Remedial Action; Financial Assistance and Petroleum Storage Tank Discharges (PECFA Program) for the period of July 1 through December 31, 2005.

As directed in Wisc. Stats. 101.143 (11), the report summarizes the activities completed for the PECFA Program during the first half of FY2005-06. The report provides the results of implementation of the statutory requirements, including a summary of the pertinent demographic information such as the number of sites within the Program, the date of receipt of the site investigation report, a listing of environmental risk factors for each of the sites, a breakdown of PECFA costs for claims submitted, a description of cost controls implemented within the Program, and progress made in evaluating fraud and other complaints.

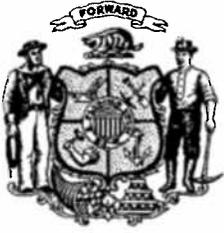
If you or your staff have any questions regarding this report, please contact us so that we can provide any needed clarifications. You can reach Mark Giesfeldt, DNR Bureau Director, Remediation and Redevelopment, at 608-267-7562, and Oscar Herrera, Commerce PECFA Bureau Director, at 608-266-7605.

Sincerely,

  
Mary P. Burke, Secretary  
Department of Commerce

  
P. Scott Hassett, Secretary  
Department of Natural Resources

Cc: Secretary Marc Marotta, Department of Administration  
Kendra Bonderud, Legislative Fiscal Bureau

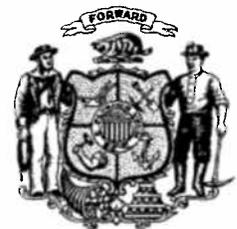


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**For further assistance, contact the reference desk at (608) 266-0341 or [lrb.reference@legis.wisconsin.gov](mailto:lrb.reference@legis.wisconsin.gov).**

State of Wisconsin - Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53703



**SEMIANNUAL REPORT  
ON  
PETROLEUM STORAGE REMEDIAL ACTION;  
FINANCIAL ASSISTANCE**

July 1 through December 31, 2005

**Wisconsin Department of Commerce**  
Division of Environmental & Regulatory Services  
Petroleum Environmental Cleanup Fund Award (PECFA) Bureau

**Wisconsin Department of Natural Resources**  
Division of Air & Waste Management  
Remediation & Redevelopment Bureau

# **REPORT ON PETROLEUM STORAGE REMEDIAL ACTION; FINANCIAL ASSISTANCE**

**July 1 through December 31, 2005**

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Status of Remediation of Petroleum Sites  
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Dispute Resolution  
Technical Issues Group  
Monitoring of Questionable Claims & Complaints, Including Fraud  
Status of PECFA Appeals Backlog and Efforts to Improve the Appeal Process

## **Summary**

## **Attachments**

- B Department of Commerce Case File Review
- C Engineering Consulting Firms Providing Services to Claimants per Firm
- D Engineering Consulting Firms Providing Services to Claimants by Claimant





**STATE OF WISCONSIN**  
**Legislative Audit Bureau**

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Janice Mueller  
State Auditor

February 8, 2006

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Roessler and Representative Jeskewitz:

We have completed our financial audit of the University of Wisconsin (UW) System for the years ended June 30, 2005 and 2004. UW System's financial statements and our unqualified audit opinion on them dated December 14, 2005, were included in the UW System's 2005 Annual Financial Report, which is enclosed. The annual report will be presented to the UW Board of Regents at its February 2006 meeting. In accordance with new accounting standards implemented in fiscal year (FY) 2003-04, condensed financial information for the UW Foundation is also included in Note 13 of UW System's financial statements.

General purpose revenue (GPR), which is shown as State Appropriations on UW System's financial statements, decreased 0.5 percent from \$901.9 million in FY 2003-04 to \$897.0 million in FY 2004-05. This funding does not include GPR funding that is used to repay debt on academic facilities, which is technically debt of the State of Wisconsin and not UW System. For FY 2004-05, such debt service payments totaled \$89.8 million.

Total revenue earned through UW operations, such as tuition and fees, increased from \$2.1 billion in FY 2003-04 to \$2.3 billion in FY 2004-05. This increase can largely be attributed to two factors: an increase in student tuition and fees revenue and an increase in federal grant and contract revenue. From FY 2003-04 to FY 2004-05, tuition and fees revenue increased from \$653.3 million to \$721.6 million, primarily the result of a 15 percent increase in tuition. During that time period, with several new federally-funded projects, federal grant and contract revenue increased from \$612.9 million to \$654.7 million, a 6.8 percent increase.

Total operating expenses for FY 2004-05 were \$3.4 billion, which reflects an increase of 3.4 percent over the prior year. This increase is largely the result of two types of expenses: supplies and services increased \$64.1 million (7.9 percent) and salaries and fringe benefits, which represent 67.6 percent of all operating costs, increased \$67.9 million (3.0 percent).

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Page 2  
February 8, 2006

*Government Auditing Standards* require us to provide an auditor's report on compliance and internal control over financial reporting, which accompanies this letter. As noted in the report, we did not identify any compliance or control concerns that are required to be reported under these standards.

Sincerely,



Janice Mueller  
State Auditor

JM/JG/bm

Enclosures

cc: Senator Robert Cowles	Representative Samantha Kerkman
Senator Scott Fitzgerald	Representative Dean Kaufert
Senator Mark Miller	Representative David Travis
Senator Julie Lassa	Representative David Cullen



STATE OF WISCONSIN

## Legislative Audit Bureau

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Janice Mueller  
State Auditor

### INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

We have audited the financial statements of the University of Wisconsin (UW) System as of and for the years ended June 30, 2005, and 2004, and have issued our report thereon dated December 14, 2005. The financial statements and related auditor's opinion are included in UW System's 2005 annual financial report. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

#### Internal Control over Financial Reporting

In planning and performing our audits, we considered UW System's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal controls over financial reporting and its operation that we consider to be material weaknesses. However, we noted other matters involving the internal control over financial reporting, which we have reported to the management of UW System in a separate letter dated January 30, 2006.

#### Compliance and Other Matters

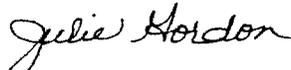
As part of obtaining reasonable assurance about whether UW System's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*.

This independent auditor's report is intended for the information and use of UW System's management, the Board of Regents, and the Wisconsin Legislature's Joint Legislative Audit Committee. This independent auditor's report, upon submission to the Joint Legislative Audit Committee, is a matter of public record and its distribution is not limited. However, because we do not express an opinion on internal control over financial reporting or on compliance, this report is not intended to be used by anyone other than these specified parties.

LEGISLATIVE AUDIT BUREAU

December 14, 2005

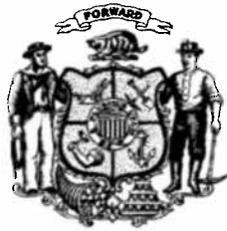
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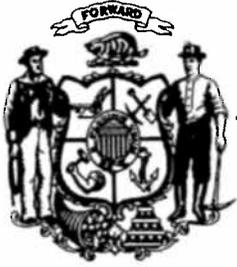


Julie Gordon  
Audit Director



# WISCONSIN STATE LEGISLATURE





# STATE OF WISCONSIN

August 7, 2006

Sen. Carol Roessler, Co-Chair  
Joint Legislative Audit Committee  
Room 8 South, State Capitol  
PO Box 7882  
Madison, WI 53707-7882

Rep. Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee  
Room 314 North, State Capitol  
PO Box 8952  
Madison, WI 53708-8952

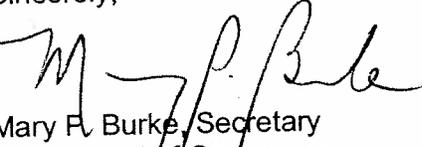
Dear Senator Roessler and Representative Jeskewitz:

The Department of Natural Resources and the Department of Commerce are pleased to transmit to you the Semi-Annual Status Report on Petroleum Storage Remedial Action; Financial Assistance and Petroleum Storage Tank Discharges (PECFA Program) for the period of January 1st through June 30th, 2006.

As directed in Wisc. Stats. 101.143 (11), the report summarizes the activities completed for the PECFA Program during the second half of FY2005-06. The report provides the results of implementation of the statutory requirements, including a summary of the pertinent demographic information such as the number of sites within the Program, the date of receipt of the site investigation report, a listing of environmental risk factors for each of the sites, a breakdown of PECFA costs for claims submitted, a description of cost controls implemented within the Program, and progress made in evaluating fraud and other complaints.

If you or your staff have any questions regarding this report, please contact us so that we can provide any needed clarifications. You can reach Mark Giesfeldt, DNR Bureau Director, Remediation and Redevelopment, at 608-267-7562, and Oscar Herrera, Commerce PECFA Bureau Director, at 608-266-7605.

Sincerely,

  
Mary F. Burke, Secretary  
Department of Commerce

  
P. Scott Hassett, Secretary  
Department of Natural Resources

Cc: Stephen E. Bablitch, Secretary, Department of Administration  
Janice Mueller, State Auditor, Legislative Audit Bureau  
Kendra Bonderud, Legislative Fiscal Bureau

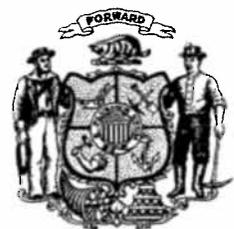


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1 East Main Street, Suite 200  
Madison, WI 53703



**SEMIANNUAL REPORT  
ON  
PETROLEUM STORAGE REMEDIAL ACTION;  
FINANCIAL ASSISTANCE**

January 1 through June 30, 2006

Wisconsin Department of Commerce  
Division of Environmental & Regulatory Services  
Petroleum Environmental Cleanup Fund Award (PECFA) Bureau

Wisconsin Department of Natural Resources  
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Remediation & Redevelopment Bureau

# **REPORT ON PETROLEUM STORAGE REMEDIAL ACTION; FINANCIAL ASSISTANCE**

**January 1 through June 30, 2006**

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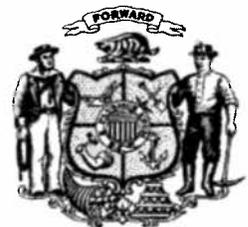
### **Summary**

### **Attachments**

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- C Engineering Consulting Firms Providing Services to Claimants per Firm
- D Engineering Consulting Firms Providing Services to Claimants by Claimant



# WISCONSIN STATE LEGISLATURE





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

September 19, 2006

Mr. Chris Mertes, Managing Editor  
The Sun Prairie Star  
Hometown News Group  
P.O. Box 645  
Sun Prairie, Wisconsin 53590

Dear Mr. Mertes:

We read with interest the enclosed editorial entitled, "*A Real Amendment: Want a constitutional amendment that matters? How about an auditor!*" The editorial calls for a constitutional amendment to create an elected State Auditor position in Wisconsin. Fortunately for our citizens, a State Auditor position already exists to supervise the nonpartisan audit staff of the Legislative Audit Bureau. We are also pleased to note that the Legislative Audit Bureau is widely recognized as one of the strongest audit offices in the country, conducting both financial and program evaluation audits on topics ranging from welfare reform to the financial operations of State Fair Park to the identification of felons at the University of Wisconsin System. As co-chairs of the Joint Legislative Audit Committee, to whom all audits are addressed, we have taken our responsibility for review and follow-up very seriously, and since January 2005 have held 14 public hearings to discuss audit findings in detail and to conduct necessary audit follow up.

We encourage you and your readers to review the information available on the Legislative Audit Bureau's Web site at [www.legis.state.wi.us/lab](http://www.legis.state.wi.us/lab) or attend an Audit Committee hearing to see firsthand the important work that is being done to ensure accountability for taxpayer funds.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

Enclosure

cc: Janice Mueller  
State Auditor



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## EDITORIALS

### Retraction

In The Star's Aug. 31 2006 issue, the "Our View" endorsements editorial on Page 14 incorrectly stated that Wisconsin Secre of State Doug LaFollette changed his name to be the same as that of the LaFollette family. His birth certificate shows his name to be Doug LaFollette.

We apologize for and retract the error, a formal retraction of which appeared on The Star's page 2, section 1, of the Sept. 2006 issue.

### A real amendment

#### Want a constitutional amendment that matters? How about an auditor!

This November, state voters will consider two constitutional amendments -- one to reinstate the death penalty and the other to clarify that marriage is between a man and a woman.

Instead of casting about for social issues to distract from big spending, perhaps the state Legislature and Governor Jim Doy could instead focus on cutting wasteful spending and eliminating departments whose powers have been gradually cut over years.

Those two departments? The State Treasurer, whose basic duties are locating owners of surplus property, and the Secretary of State, whose chief job used to be supervising elections in Wisconsin.

Instead of keeping these two officials and their state workers on the payroll, the Legislature could instead consider an elected State Auditor position to supervise the Legislative Audit Bureau.

The constitution could be amended to permanently allow the change. The auditor would be specifically charged with finding waste, fraud and abuse within the state government -- and empowered to take steps to eliminate or conjoin duplicative programs. Without constitutional authority, the auditor will be another figurehead department reporting to the state Legislature, with the authority to take little or no action without legislative approval.

The State Auditor would also be in charge of monitoring state elections, specifically to ensure that the numbers all totaled correctly -- thereby relieving the Secretary of State from that authority and duty in the constitution.

The State Auditor's Office would also be charged with monitoring state contracts to ensure the bids are being let correctly and not awarded in correlation to campaign contributors.

Most importantly, the State Auditor could block accounting tricks to ensure a balanced budget. Blocking accounting tricks would ensure a balanced budget -- which realistically should be a goal of all state departments.

The State Auditor is already a cabinet-level position in Minnesota and other states. It's time to ensure accountability in Wisconsin -- by enacting a constitutional amendment directed at curbing waste and abuse by implementing a State Auditor position.

### School's Open

#### Slow down at and around Sun Prairie schools