

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

---

MONDAY, June 2, 2008

---

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

---

**CHIEF CLERK'S ENTRIES**

The following bills failed to pass pending partial vetoes notwithstanding the objections of the Governor pursuant to Joint Rule 82.

Senate Bill 39  
Senate Bill 40

---

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

June 2, 2008

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 574	Act 228	June 2, 2008
Senate Bill 575	Act 229	June 2, 2008
Senate Bill 576	Act 230	June 2, 2008
Senate Bill 577	Act 231	June 2, 2008
Senate Bill 578	Act 232	June 2, 2008
Senate Bill 579	Act 233	June 2, 2008
Senate Bill 580	Act 234	June 2, 2008
Senate Bill 581	Act 235	June 2, 2008
Senate Bill 582	Act 236	June 2, 2008
Senate Bill 583	Act 237	June 2, 2008
Senate Bill 584	Act 238	June 2, 2008
Senate Bill 585	Act 239	June 2, 2008
Senate Bill 586	Act 240	June 2, 2008
Senate Bill 587	Act 241	June 2, 2008
Senate Bill 588	Act 242	June 2, 2008

Respectfully submitted,  
*JIM DOYLE*  
Governor

---

**State of Wisconsin  
Department of Administration**

April 30, 2008

The Honorable, The Legislature:

In compliance with Wisconsin statute 16.548, please find the Wisconsin Office of Federal/State Relations quarterly report to be submitted to the Legislature for the First Quarter of 2008. This report provides information on the activities of the office and the status of federal legislation of concern to the State of Wisconsin.

Please contact me if you have any questions about this material.

Sincerely,  
*MICHAEL L. MORGAN*  
Secretary

---

**State of Wisconsin  
Office of Energy Independence**

April 30, 2008

The Honorable, The Legislature:

As required by s.16.045(5) Wis. Stats., I am submitting the annual Wisconsin Biofuels and Alternative Fuel Use Report for distribution to the appropriate standing committees. I am pleased to provide the following highlights for 2007.

**State of Wisconsin government highlights:**

- \* In FY2008, 95 percent of the contracted gasoline deliveries by the state of Wisconsin were a blend of 10 percent ethanol.
- \* Per Governor Doyle's Executive Order #141, the Office of Energy Independence began outreach on E85 fuel use in the state fleet, biodiesel outreach will follow this summer.
- \* State government and UW campuses used 29,442 gallons of E85, a 63 percent improvement from last year. This provides the benchmark for reduction of state-fleet petroleum-based gasoline consumption.
- \* 26 percent, or 1,790 vehicles, of the state fleet are E85 flexible-fuel vehicles.

**State statistics:**

- \* Ethanol use in the State of Wisconsin increased by 19 percent in 2007, from 130 million gallons in 2006 to 161 million gallons in 2007.
- \* Ethanol production in the state increased by 34 percent from 210.4 million gallons in 2006 to 283.8 million gallons in 2007.
- \* E85 refueling facilities serving the public increased from 60 to 89 statewide.
- \* Statewide consumption of E85 increased by 56 percent, from 2.7 million in 2006 to 4.8 million gallons in 2007.

The Office of Energy Independence looks forward to advancing the use of alternative fuels in the state. The Office of Energy Independence plans to address these goals in the upcoming year:

- \* Continued effort to meet Executive Order #141: reduce the use of petroleum-based gasoline in state-owned vehicles by 20 percent by 2010 and by 50 percent by 2015, and reduce the use of petroleum-based diesel fuel by those vehicles 10 percent by 2010 and 25 percent by 2015.
- \* Increase the number of E85 and biodiesel pumps in the state—a critical priority.
- \* Continued education for state employees that outlines the importance and benefits of using E85 and biodiesel, therefore, increasing the consumption of these fuels to meet our state's goals.
- \* Working with the Transportation Directors and Bureau of Procurement to purchase more E85 capable flexible fuel vehicles.

Should you or Legislative members have questions, please contact me at (608) 261-0607.

Sincerely,  
*JUDY ZIEWACZ*  
Executive Director

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

---

**State of Wisconsin**  
**Department of Administration**

April 30, 2008

The Honorable, The Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of March 2008.

On March 24, 2008, the **General Fund** cash balance closed at a negative \$108.6 million. This negative balance continued through March 31, 2008, when the fund's cash balance closed at a negative \$212.5 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On March 1, 2008, the **Wisconsin Health Education Loan Repayment Fund** cash balance closed at a negative \$2 thousand. This negative balance continued through March 31, 2008, when the fund's cash balance closed at a negative \$2 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On March 1, 2008, the **Injured Patients and Families Compensation Fund** cash balance closed at a negative \$27.5 million. This negative balance continued through March 31, 2008, when the fund's cash balance closed at a negative \$25.7 million. **The Injured Patients and Families Compensation Fund** cash balance reached its intra month low of a negative \$27.9 million on March 13, 2008. The negative balance was due to the transfer of \$71.5 million to the General Fund per **2007 Wisconsin Act 20**, and the pending liquidation of fund securities necessary to offset this shortfall.

On March 24, 2008, the **Lottery Fund** cash balance closed at a negative \$1.8 million. This negative balance continued through March 31, 2008, when the fund's cash balance closed at a

negative \$1.8 million. **The Lottery Fund** cash balance reached its intra-month low of a negative \$3.1 million on March 27, 2008. The negative balance was due to the difference in the timing of revenues and expenditures

On March 1, 2008, the **Conservation Fund** cash balance closed at a negative \$9.7 million. This negative balance continued through March 18, 2008, when the fund's cash balance closed at a positive \$1.3 million. **The Conservation Fund** cash balance reached its intra-month low of a negative \$17.9 million on March 14, 2008. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund, Wisconsin Health Education Loan Repayment Fund, Injured Patients and Families Compensation Fund, Lottery Fund, and Conservation Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,  
*MICHAEL L. MORGAN*  
Secretary

Referred to joint committee on **Finance**.

---

**State of Wisconsin**  
**Department of Administration**

May 2008

The Honorable, The Legislature:

Last year, state agencies made strong progress toward the 5 percent minority contracting goal. This report provides information on Fiscal Year 2007 state purchasing made with minority business enterprises (MBE) certified by the Wisconsin Department of Commerce. Our progress stems from your commitment to providing full and fair opportunities for all businesses, including MBEs, to compete for state contracts.

In Fiscal Year 2007, Wisconsin state government spent over \$62 million with MBE firms for products, services, facilities and highways. This is the second highest amount spent with minority businesses since the MBE program began.

Fiscal Year 2007 MBE represents 4.02 percent of overall state spending. State agencies led the way with a 38 percent increase in total spending with certified minority firms. In addition, fourteen agencies surpassed the 5 percent MBE goal in Fiscal 2007, up from seven agencies in 2006.

Through your leadership, opening access to minority-owned businesses who are interested in doing business with the state will continue to be a major focus across state agencies.

Sincerely,  
*MICHAEL L. MORGAN*  
Secretary of Administration

Referred to committee on **Labor, Elections and Urban Affairs**.

**Milwaukee Public School  
Division of Business Services**

May 5, 2008

The Honorable, The Senate:

According to Wisconsin School Law 121.87 in accordance with 13.172, the Board is required by law to submit the enclosed reports. School Law 121.87 states ...annually by May 1 the board of school directors of the school district operating under ch. 119 shall submit a report to the legislature under s. 13.172 (2) that specifies the number, percentage, race, sex, grade and attendance area of pupils transferred outside their attendance area without written consent under s. 121.85 (6)(am)."

Enclosed you will find a report that meet the requirements stated above. The total number of intra-district students based under the Chapter 220 designation for the school year 2007-2008 equals 15,817. Of that number 725 either did not return a consent form or checked box indicating no consent. Students who have moved during the school year and no longer require parental consent were subtracted from the non-returned figure. The district did meet the requirement of ninety-five percent (95%) parents providing consent.

Sincerely,

*MICHAEL TURZA*

Director of Business Services

Referred to committee on **Education**.

---

**State of Wisconsin  
Legislative Audit Bureau**

May 14, 2008

The Honorable, The Legislature:

We have completed audit work at the Wisconsin Arts Board to help meet our audit requirements under s. 13.94, Wis. Stats. We have reviewed the Arts Board's fiscal operations to assess whether they are well-controlled and in compliance with statutory requirements. One of the Arts Board's major activities is to administer artistic and cultural grant and fellowship programs for cultural organizations and individual artists. It also administers the State's Percent for Art Program, which coordinates the acquisition of artwork for public state buildings with building projects exceeding \$250,000.

The Arts Board is primarily funded by general purpose revenue. It also receives program revenue from the federal government, Indian gaming compacts, and funds from other state agencies. Grant expenditures represented 61.3 percent and the Percent for Art Program represented 15.6 percent of the Arts Board's total expenditures of \$3.9 million during fiscal year 2006-07.

We identified several significant concerns with the Arts Board's fiscal controls. The major factor contributing to our concerns is that key fiscal responsibilities are primarily completed by one fiscal person with limited management oversight. The Arts Board has taken some steps to address our concerns, but we encourage it to implement all of the improvements we have recommended in a separate management letter.

The Arts Board is an active participant in Wisconsin's sister state relationship with Chiba Prefecture, Japan. The Board's Executive Director serves as the president of the nonprofit organization, Wisconsin-Chiba, Inc., which provides the primary financial support for the relationship. The Arts Board provides program and administrative support to the organization. Our management letter includes recommendations for

formalizing the Arts Board's arrangement with Wisconsin-Chiba, Inc., in a written agreement and ensuring costs incurred for annual exchange trips are allowable and reasonable under state and federal requirements. The Arts Board has agreed to implement these recommendations.

We appreciate the courtesy and cooperation extended to us by Arts Board staff during our review.

Sincerely,

*JANICE MUELLER*

State Auditor

---

**State of Wisconsin  
Department of Public Instruction**

May 16, 2008

The Honorable, The Senate:

The Department of Public Instruction is submitting the 2007 annual report on the status of bilingual-bicultural education programs as required under s.115.996, Wis. Stats. The report provides data from the state-aided bilingual-bicultural/ESL education programs for the 2007 fiscal year (July 1, 2006, through June 30, 2007).

This annual report presents details on the state's administration and funding of bilingual education in Wisconsin, including the number of pupils from minority languages served, the locations of the state-aided programs, and staff-related data. In addition, the report comments on factors contributing to growth.

If you have questions, please contact Patrick Gasper, Communications Officer at [patrick.gasper@dpi.wi.gov](mailto:patrick.gasper@dpi.wi.gov) or (608) 266-3559.

Sincerely,

*ELIZABETH BURMASTER*

State Superintendent

---

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

**Senate Clearinghouse Rule 08-011**

Relating to hunting and trapping regulations and the use of department managed lands.

Submitted by Department of Natural Resources.

Report received from Agency, May 30, 2008.

Referred to committee on **Environment and Natural Resources**, June 2, 2008.

**Senate Clearinghouse Rule 08-014**

Relating to the implementation and administration of grants for endangered resources.

Submitted by Department of Natural Resources.

Report received from Agency, May 30, 2008.

Referred to committee on **Environment and Natural Resources**, June 2, 2008.

**Senate Clearinghouse Rule 08-020**

Relating to child care copayments and affecting small businesses.

Submitted by Department of Workforce Development .

Report received from Agency, May 29, 2008.

Referred to committee on **Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection**, June 2, 2008.