

STATE OF WISCONSIN
Senate Journal
Ninety–Eighth Regular Session

FRIDAY, August 15, 2008

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Tuesday, August 12, 2008.

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

Senate Clearinghouse Rule 08–064

Relating to advisory councils and committees.

Submitted by Insurance Commissioner.

Report received from Agency, August 11, 2008.

Referred to committee on **Health, Human Services, Insurance, and Job Creation**, August 12, 2008.

The Chief Clerk makes the following entries dated Thursday, August 14, 2008.

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

**State of Wisconsin
Office of the Governor**

August 7, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ALBRECHT, ARLIE, of Green Bay, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2012.

Respectfully Submitted,

JIM DOYLE

Governor

Read and referred to committee on **Tax Fairness and Family Prosperity**.

**State of Wisconsin
Office of the Governor**

August 7, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ALDEN, GINGER, of Wausau, as a

member of the Wisconsin Judicial Commission, to serve for the term ending August 1, 2011.

Respectfully Submitted,

JIM DOYLE

Governor

Read and referred to committee on **Judiciary, Corrections, and Housing**.

**State of Wisconsin
Office of the Governor**

August 7, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ALVIN, ERIC, of Wausau, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2012.

Respectfully Submitted,

JIM DOYLE

Governor

Read and referred to committee on **Tax Fairness and Family Prosperity**.

**State of Wisconsin
Office of the Governor**

August 7, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HANEY, JAMES M., of Plover, as a member of the Wisconsin Judicial Commission, to serve for the term ending August 1, 2011.

Respectfully Submitted,

JIM DOYLE

Governor

Read and referred to committee on **Judiciary, Corrections, and Housing**.

**State of Wisconsin
Office of the Governor**

August 8, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEACH, KATHI, of Junction City, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2012.

Respectfully Submitted,

JIM DOYLE

Governor

Read and referred to committee on **Health, Human Services, Insurance, and Job Creation**.

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

Senate Clearinghouse Rule 07-073

Relating to the agricultural producer security program.
Submitted by Department of Agriculture, Trade and
Consumer Protection.

Report received from Agency, August 14, 2008.

Referred to committee on **Agriculture and Higher
Education**, August 14, 2008.

Senate Clearinghouse Rule 07-093

Relating to local agents that license and inspect retail food
establishments for the department.

Submitted by Department of Agriculture, Trade and
Consumer Protection.

Report received from Agency, August 14, 2008.

Referred to committee on **Public Health, Senior Issues,
Long Term Care and Privacy**, August 14, 2008.

Senate Clearinghouse Rule 07-107

Relating to animal diseases and movement; animal markets,
dealers and truckers; and livestock premises registration.

Submitted by Department of Agriculture, Trade and
Consumer Protection.

Report received from Agency, August 14, 2008.

Referred to committee on **Agriculture and Higher
Education**, August 14, 2008.

Senate Clearinghouse Rule 08-027

Relating to electronic communication services offered to
consumers.

Submitted by Department of Agriculture, Trade and
Consumer Protection.

Report received from Agency, August 14, 2008.

Referred to committee on **Commerce, Utilities and Rail**,
August 14, 2008.

Senate Clearinghouse Rule 08-049

Relating to examination waivers, temporary licenses and
continuing education.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 13, 2008.

Referred to committee on **Health, Human Services,
Insurance, and Job Creation**, August 14, 2008.

Senate Clearinghouse Rule 08-051

Relating to the regulation of wholesale prescription drug
distributors.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 13, 2008.

Referred to committee on **Health, Human Services,
Insurance, and Job Creation**, August 14, 2008.

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Administration**

July 31, 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 Second 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,
DAN SCHOOFF
Deputy Secretary

**State of Wisconsin
Legislative Audit Bureau**

July 17, 2008

The Honorable, The Legislature:

We have completed a review of the Environmental
Cooperation Pilot Program (ECPP). The program is
administered by the Department of Natural Resources (DNR)
and was established by [1997 Wisconsin Act 27](#) to test
innovative environmental regulatory methods. Since the
program's inception, DNR has entered into seven agreements
with power generation and manufacturing companies to
reduce pollution. Statutes require the Legislative Audit
Bureau to monitor ECPP and report to the Legislature on our
findings.

During 2006 and 2007, DNR renewed six of the seven
agreements with ECPP companies for a final five-year term.
One of two separate ECPP agreements with We Energies was
not renewed because environmental goals had been attained
and neither DNR nor the company anticipated any further
benefits from the program.

Since our last review, DNR has reported environmental
performance measures. However, these measures could be
improved to identify performance by individual companies. In
order to meet statutory requirements and better assess ECPP's
effectiveness, we also suggest that DNR expand its efforts to
measure the companies' and its own administrative savings,
consider additional strategies for sharing environmental or
technical innovations, and employ additional efforts to ensure
adequate public involvement.

We appreciate the courtesy and cooperation extended to us by
DNR and the ECPP companies we contacted in conducting this
review.

Sincerely,
JANICE MUELLER
State Auditor

**State of Wisconsin
Department of Administration**

July 31, 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 June 2008.

On June 16, 2008, the General Fund cash balance closed at a
negative \$576.4 million (its intra-month low). This negative
balance continued through June 30, 2008, when the fund's cash

balance closed at a positive \$24.8 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On June 1, 2008, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$20.8 million. This negative balance continued through June 30, 2008, when the fund's cash balance closed at a negative \$35.3 million. The Injured Patients and Families Compensation Fund cash balance reached its intra-month low of a negative \$37.0 million on June 6, 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 June 1, 2008, the Medical Assistance Trust Fund cash balance closed at a negative \$59.5 million (its intra-month low). This negative balance continued through June 30, 2008, when the fund's cash balance closed at a negative \$32.3 million. The negative balance was due to the difference in the timing of revenues and expenditures, including a pending transfer from the Permanent Endowment Fund as required under [2007 Wisconsin Act 226](#).

On June 1, 2008, the Utility Public Benefits Fund cash balance closed at a negative \$2.7 million (its intra-month low). This negative balance continued through June 3, 2008, when the fund's cash balance closed at a positive \$2.2 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund, Injured Patients and Families Compensation Fund, Medical Assistance Trust Fund, and Utility Public Benefits 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

**State of Wisconsin
Department of Health Services**

July 17, 2008

The Honorable, The Senate:

I am pleased to submit to the Legislature the enclosed report as required by Wisconsin Statutes s.153.05(2m)(b). This provision directs the Department of Health and Family Services to biennially review the performance of the Wisconsin Hospital Association (WHA), the entity under contract to produce the reports under s.153.05(2m), and to report to the Legislature on the timeliness and quality of the reports produced by the Wisconsin Hospital Association Center (WHAIC).

Sincerely,
KAREN E. TIMBERLAKE
Secretary

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

Senate Clearinghouse Rule 08-053

Relating to audit, control and financial reporting requirements.

Submitted by Insurance Commissioner.

Report received from Agency, August 15, 2008.

Referred to committee on **Health, Human Services, Insurance, and Job Creation**, August 15, 2008.

The committee on **Public Health, Senior Issues, Long Term Care and Privacy** reports and recommends:

Senate Clearinghouse Rule 08-032

Relating to long-term care plans including the long-term care partnership program qualifying policies and affecting small business.

No action taken.

TIM CARPENTER
Chairperson