

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

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WEDNESDAY, August 11, 2010

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

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **Monday, August 9, 2010**.

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

##### Senate Clearinghouse Rule 10–058

Relating to school nurse certification.  
Submitted by Department of Public Instruction.  
Report received from Agency, August 9, 2010.  
Referred to committee on **Education**, August 9, 2010.

##### Senate Clearinghouse Rule 10–074

Relating to the use of race–based nicknames, logos, mascots, and team names by school boards.  
Submitted by Department of Public Instruction.  
Report received from Agency, August 9, 2010.  
Referred to committee on **Education**, August 9, 2010.

##### Senate Clearinghouse Rule 10–075

Relating to education reform.  
Submitted by Department of Public Instruction.  
Report received from Agency, August 9, 2010.  
Referred to committee on **Education**, August 9, 2010.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Government Accountability Board

August 6, 2010

The Honorable, The Legislature:

On behalf of the Government Accountability Board (Board), I am please to provide you with an Interim Report on Extending the Government Accountability Board's Hours of Operation for the 2010 Spring Election Cycle. This report summarizes an examination of clerks' requested extended hours of operation for Board staff, and the effectiveness of those hours during the 2010 February Spring Primary and April Spring Election in accordance with the Board's obligation under Section 7.08(11), Wisconsin Statutes.

This statute was created by [2009 Wisconsin Act 28](#), Section 2q, enacted on June 29, 2009, and requires the Board to ensure that adequate staff are available to answer local election officials' questions for each statewide election and recount. Accordingly, the Board continued its established practice, previously base don past election experience, of offering

extended operating hours during the 2010 Spring Election Cycle.

In our continuing effort to more effectively meet the needs of participants in the election process, we sought to solicit input from local election officials, our partners, on what extended hours would best meet their needs. 790 or 45.5% of the 1,738 clerks able to receive email notifications completed a survey and, in their responses, highlighted two aspects about extended hours. First, no one set of extended hours fits every election. Second, clerks desire greater Statewide Voter Registration System (SVRS) support before an election and Election Administration support on Election Day.

Additional data on the number and types of inquiries fielded by Board staff during the spring elections was captured in extended hours Election Activity Logs. The two main concerns reported on Election Day for the 2010 February Primary and April 6 Spring Election were issues at the polling place (i.e. voters at the wrong polling place, signs or buttons that upset other voters, Election Day registration confusion) and how to process absentee ballots. This suggests that more may need to be done to educate both voters and poll workers on how to handle common polling place issues, including unusual absentee situations.

This interim report summarizes the efforts of Board staff to meet customers' needs during the 2010 Spring Election Cycle. Following the 2010 November General Election, a Final Report on Extended Hours will be prepared to document our services during the Fall Election Cycle. The Final Report will also serve as an overall evaluation of the extended hours provided during the entire 2010 Election Season.

Sincerely,  
*KEVIN J. KENNEDY*  
Director and General Counsel

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#### State of Wisconsin Legislative Audit Bureau

August 10, 2010

The Honorable, The Legislature:

We have completed a biennial performance evaluation of the Department of Administration's (DOA's) Division of Gaming, as required by s. [13.94\(1\)\(eg\)](#), Wis. Stats. The Division oversees Indian gaming, pari–mutuel racing, and charitable gaming activities in Wisconsin.

In fiscal year (FY) 2008–09, the Division's expenditures to regulate all three types of gaming activities totaled \$3.1 million in program revenue. We analyzed a judgmental selection of its expenditures over a three–year period and found that reimbursements were sufficiently documented and appear to be reasonable. We note that during this period, \$26,300 in reimbursements were made to an employee for mileage, food,

and lodging costs incurred while traveling between his home in Chicago and the Division's office in Madison, where he works as legal counsel. These expenditures warrant careful monitoring to ensure they are reasonable and necessary.

Indian gaming represents the most significant gaming activity in Wisconsin. In 2009, Indian gaming revenue was \$1.3 billion, tribal gaming expenses were \$780.2 million, and tribal gaming profits were \$543.4 million. In FY 2008–09, the State received \$122.2 million from tribes under the revenue sharing provisions of the negotiated gaming compacts.

The Division conducts on-site financial and compliance audits for each tribe to independently verify the amounts wagered on Class III gaming and to ensure that casino operations are consistent with standards established in the gaming compacts. From January 2007 through December 2009, the Division conducted 67 financial audits and 50 compliance audits, and it identified a total of \$4.0 million in tribal underpayments to the State. We analyzed a random selection of working papers associated with audits completed in 2009. The documentation we reviewed was complete and accurate.

In December 2009, the last operating greyhound racetrack in Wisconsin—Dairyland Greyhound Park—was closed. Statutes continue to authorize pari-mutuel racing in the State, but the Division has not received applications from businesses seeking to operate racing venues.

We appreciate the courtesy and cooperation extended to us by the Division. The Division's response follows the appendix.

Sincerely,  
*JANICE MUELLER*  
State Auditor

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

**Senate Clearinghouse Rule 09–044**

Relating to registration of non-standard vehicles.  
Submitted by Department of Transportation.

Report received from Agency, August 10, 2010.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, August 11, 2010.

**Senate Clearinghouse Rule 10–014**

Relating to examinations for barbers and cosmetologists, aestheticians, electrologists, manicurists, and managers.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 11, 2010.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, August 11, 2010.

**Senate Clearinghouse Rule 10–065**

Relating to annual injured patients and families compensation fund fees and medical mediation panel fees for the fiscal year beginning July 1, 2010, and may have an effect on small business.

Submitted by Insurance Commissioner.

Report received from Agency, August 9, 2010.

Referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**, August 11, 2010.

**Senate Clearinghouse Rule 10–070**

Relating to license reinstatement.

Submitted by Department of Transportation.

Report received from Agency, August 10, 2010.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, August 11, 2010.

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The committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue** reports and recommends:

**Senate Clearinghouse Rule 10–034**

Relating to hospices and affecting small businesses.

No action taken.

**Senate Clearinghouse Rule 10–043**

Relating to treatment of autism spectrum disorders and affecting small business.

No action taken.

*JON ERPENBACH*  
Chairperson