2A-1

no indent — underscored title

Approval of budgets by county board chairpersons.

¶ Current law requires each technical college district board to prepare its annual budget in compliance with administrative rules promulgated by the state Technical College System Board. The district board must publish a budget summary ~~of its budget~~ and hold a public hearing on the budget.

This bill requires, in addition, that the district board submit its proposed budget to the county board chairpersons of ~~each~~ the counties that have territory within the district for their approval. The budget in effect in the current fiscal year continues in effect in the subsequent fiscal year until

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2A-2

the county board chairperson approve the district board's proposed budget. ~~for the new fiscal year~~.

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13-5:1

Section #. 38.12 (5m) of the statutes is renumbered 38.12(5m)(a) and amended to read:

38.12 **(5m)** (a) ~~ANNUAL BUDGET.~~ The district board shall prepare its annual budget in compliance with rules promulgated by the board under s. 38.04 (11) (a). ~~The~~ district board shall submit ~~an approved~~ a copy of ~~its~~ the approved budget to the board ~~by July 1 of each year and~~. The district board shall report any subsequent budget modification to the board within 30 days of approval of the modification by the district board.

History: 1971 c. 154; 1975 c. 198 s. 65; 1977 c. 29; 1979 c. 221; 1981 c. 20, 269; 1981 c. 391 s. 210; 1983 a. 27, 192; 1983 a. 379 ss. 2, 5, 6, 7; 1983 a. 391; 1985 a. 332 s. 251 (1), (3); 1987 a. 399; 1989 a. 56, 121, 177, 359; 1993 a. 227; 1995 a. 27 s. 9145 (1); 1995 a. 448; 1997 a. 27, 237; 1999 a. 150 s. 672; 2001 a. 22; 2003 a. 69.

Immediately upon receiving approval of its budget by the county board chairpersons under par. (b), the

except that if the modification is substantial, the district board shall report it to the board within 30 days of approval of the modification by the county board chairpersons under par. (c)

~~SEC. RN. 38.12 (5m); 38.12 (5m) (a)~~

13-5:2

(9) SEC. #. CR. 38.12 (5m) (b)

(9) 38.12 (5m) (b) After the public hearing on the district board's proposed budget under s. 65.90 (4), the district board shall submit the proposed budget to the county board chairpersons of all counties having territory within the district. The district board may not implement the budget unless ~~a majority of~~ the county board chairpersons meet and approve the budget by majority vote of a quorum. A majority of the county board chairpersons constitutes a quorum. ~~Approve the budget~~. The budget in effect in the ~~previous~~ current fiscal year ~~shall stay~~ continues in effect in the new fiscal year until the county board chairpersons approve the district board's proposed budget for the new fiscal year.

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13-5:3

¶ SEC. #. CR. 38.12 (5m)(c)

¶ 38.12 (5m)(c) 1. If the district board ~~notifies~~ proposes a substantial ~~budget~~ modification to its budget after the county board chairpersons have approved the ~~dist~~ budget, it shall immediately notify the county board chairpersons of counties having territory within the district. Within 10 days of the date of the notice, each ~~district~~ county board chairperson shall notify the district board, in writing, whether he or she approves the modification. If a majority of the county board chairpersons notify the district board within 10 days that they approve the modification, the district board may implement it. If a majority of the county board chairpersons notify the district board within 10 days that they do not approve

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13-5:4

¶ 2. The district board may not implement the modification unless one of the following occurs:

¶ a. Within 10 days of the date of the district board's notice, a majority of the county board chairpersons notify the district board in writing that they approve the modification.

¶ b. The district board does not receive written responses from a majority of the county board chairpersons within 10 days of the date of the district board's notice.

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13-5:5

Section #. 65.90 (5) (a) of the statutes is amended to read:

65.90 **(5)** (a) Except as provided in ~~par.~~ pars. (b) and (c) and except for alterations made pursuant to a hearing under sub. (4), the amount of tax to be levied or certified, the amounts of the various appropriations and the purposes for such appropriations stated in a budget required under sub. (1) may not be changed unless authorized by a vote of two–thirds of the entire membership of the governing body of the municipality. Any municipality, except a town, which makes changes under this paragraph shall publish a class 1 notice thereof, under ch. 985, within 10 days after any change is made. Failure to give notice shall preclude any changes in the proposed budget and alterations thereto made under sub. (4).

History: 1971 c. 40, 154; 1971 c. 211 ss. 77, 124; 1973 c. 224; 1975 c. 224; 1977 c. 418; 1981 c. 203; 1985 a. 225; 1987 a. 314, 377; 1989 a. 31; 1991 a. 39, 189; 1993 a. 399; 1995 a. 27, s. 9145 (1); 1997 a. 27.

13-5:6

(4) SEC. #. CR. 65.90(5)(c)

(4) 65.90 (5)(B)(c) A technical college district board may ~~make alterations in its proposed budget as a result of~~ change the amounts of various appropriations and their purposes stated in a budget required under sub. (1) after the hearing under sub. (4) in ~~response~~ order to obtain approval ~~to disapproval~~ of ~~its~~ the budget by county board chairpersons under s. 38.12 (5m) (b).

LRB Wisconsin Legislative Reference Bureau

2005

14-21

Nonstat File Sequence: E E E

LRB _____ / _____

_____ : _____ : _____

INITIAL APPLICABILITY

the renumbering and amendment of section 38.12(5m) of the statutes

1. In the component bar:
   For the action phrase, execute: ..... **create → action: → *NS: → inappl**
   For the budget action phrase, execute: ..... **create → action: → *NS: → 93XX**
   For the text, execute: ..... **create → text: → *NS: → inappl**
2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the **9300** department code.

SECTION # ____ [93____]. **Initial applicability; .....**

(#1) ( ) ..... of the statutes

The treatment of sections 65.90 (5) (a) and (c) and the creation of section 38.12 (5m) (b) and (c) of the statutes first applies to the formulation of a technical college district's budget for the 2007-08 fiscal year.

1. In the component bar:
   For the action phrase, execute: ..... **create → action: → *NS: → inappl**
   For the text, execute: ..... **create → text: → *NS: → inapplA**
2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # ____ . **Initial applicability; .....**

(#1) ( ) ..... This act first applies to .....

promulgated under this subsection. Notwithstanding section 227.24 (1) (c) of the statutes, an emergency rule promulgated under this subsection applies until a rule replacing that rule takes effect or until the actions specified in section 227.24 (1) (d) of the statutes occur, whichever is sooner. Notwithstanding section 227.19 (4) to (6) of the statutes, the rule replacing a valid emergency rule adopted under this subsection may not contain any substantive change from the emergency rule.

(2) ~~(3)~~ TRANSITIONAL TERMS. Notwithstanding chapter 269, laws of 1981, section 22, and section 38.08 (1) (b) of the statutes, as affected by this act, the members of each technical college district board who hold office on the effective date of this subsection shall cease to hold office on July 1, 2007. At the 2007 spring election, 9 members shall be elected to each technical college district board for terms commencing on July 1, 2007. The persons elected to represent election districts numbered 1 and 2 at that election shall serve for terms of one year, the persons elected to represent election districts numbered 3 and 4 at that election shall serve for terms of 2 years, the persons elected to represent election districts numbered 5 and 6 at that election shall serve for terms of 3 years, and the persons elected to represent election districts numbered 7, 8, and 9 at that election shall serve for terms of 4 years.

(3) ~~(4)~~ VACANCIES. Notwithstanding section 38.10, 2003 stats., the appointment committee of each technical college district shall not make any appointment to a technical college district board for the purpose of filling a vacancy resulting from expiration of a term of office after the effective date of this subsection.

(14-21)

SECTION 35. Effective dates. This act takes effect on August 1, 2006, except as follows:

1 (1) The treatment of sections 17.01 (10m), 17.02 (2), 17.17 (2), 17.27 (3), 38.04
2 (15), 38.08 (1) (a), (b), and (c), (1g), (2), and (2m), 38.08 (6), and 38.10 of the statutes
3 takes effect on July 1, 2007.

4 **(END)**

Representative Kreibich: (DN) only two counties, Rock and Green, are located in

(PI) 1. Note that the Blackhawk Technical College District, so approval of Blackhawk's budget ~~would~~ requires approval by both county board chairpersons.

(PI) 2. As I'm sure Mary Mathias mentioned, this substitute amendment may be ruled nongermane if challenged. ~~on that basis~~

(PI) 3. Under this substitute amendment, the first district budget that ~~the~~ would require approval by county board chairpersons is the budget for the 2007-08 fiscal year. OK?

PG

LRB Wisconsin Legislative Reference Bureau

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0682/1dn
PG:cjs:rs

April 13, 2006

Representative Kreibich:

1. Note that only two counties, Rock and Green, are located in the Blackhawk Technical College District, so approval of Blackhawk's budget requires approval by both county board chairpersons.

2. As I'm sure Mary Mathias mentioned, this substitute amendment may be ruled nongermane if challenged.

3. Under this substitute amendment, the first district budget that would require approval by county board chairpersons is the budget for the 2007–08 fiscal year. OK?

Peter R. Grant
Managing Attorney
Phone: (608) 267–3362
E–mail: peter.grant@legis.state.wi.us

Tuesday

LRBs0682/1 2
JTK&PG:cjs:rs

stays

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO 2005 ASSEMBLY BILL 603

SAV

pp. 1, 2, 14, 16

Reg cat

AN ACT ***to repeal*** 38.04 (15), 38.08 (1g), (2) and (2m) and 38.10; ***to renumber and amend*** 38.12 (5m); ***to amend*** 5.02 (3), (5) and (23), 5.58 (3), 5.60 (1) (title), 5.60 (1) (b), 7.60 (4) (a) and (5) (a), 7.70 (3) (d), 9.10 (1) (a), 9.10 (2) (b), 9.10 (3) (a), 9.10 (4) (a), (d) and (7), 11.26 (1) (c), 11.26 (2) (c), 11.31 (1) (f), 11.31 (1) (g) (intro.), 38.08 (1) (b) and 65.90 (5) (a); ***to repeal and recreate*** 17.27 (3) and 38.08 (1) (a); and ***to create*** 5.58 (2s), 5.60 (1) (am), 7.70 (6), 8.10 (3) (ae), 8.11 (6), 17.01 (10m), 17.02 (2), 17.17 (2), 38.06 (6), 38.08 (1) (c), 38.08 (6), 38.12 (5m) (b), 38.12 (5m) (c) and 65.90 (5) (c) of the statutes; **relating to:** popular election of technical college district boards, ~~providing~~ requiring that a technical college district board's annual budget be approved by county board chairpersons, providing an

1 exemption from and extending the time limit for emergency rule procedures
2 and granting rule–making authority.

Analysis by the Legislative Reference Bureau

Election of technical college district boards.

Currently, the technical college system is managed on the local level by district boards consisting of nine members in each of the state's 16 technical college districts. The members of the technical college district board for each district are appointed by an appointment committee consisting of local elected officials in accordance with a representation plan based upon population distribution within the district, including distribution of women and minorities. All members of district boards must be residents of the district. Two members must be employers and two members must be employees. One member must be a school district administrator of a school district that lies within the technical college district. All members serve for three–year terms.

This bill provides for the election of all members of district boards from election districts within each technical college district on a nonpartisan ballot at the spring election. Each member must be an elector of the election district from which he or she is elected. Terms are changed to four years. Under the bill, current district board members serve until July 1, 2007, at which time district board members who are elected at the 2007 spring election take office. The terms of the members are staggered so that at least two are elected every year. Nomination paper signature requirements, contribution limits, and spending guidelines are the same as for the office of representative to the assembly. Candidates for the district board are not eligible to receive public grants to finance their campaigns.

space Approval of budgets by county board chairpersons.

Current law requires each technical college district board to prepare its annual budget in compliance with administrative rules promulgated by the state Technical College System Board. The district board must publish a budget summary and hold a public hearing on the budget.

This bill requires, in addition, that the district board submit its proposed budget to the county board chairpersons of the counties that have territory within the district for their approval. The budget in effect in the current fiscal year continues in effect in the subsequent fiscal year until the county board chairpersons approve the district board's proposed budget.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 5.02 (3), (5) and (23) of the statutes are amended to read:

5.02 **(3)** "Educational officer" means the state superintendent, a member of a technical college district board, and a school board ~~members~~ member.

(5) "General election" means the election held in even–numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, presidential electors, state senators, representatives to the assembly, district attorneys, state officers other than the state superintendent, members of the technical college district boards, and judicial officers, and county officers other than supervisors and county executives.

(23) "State office" means the offices of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, justice of the supreme court, court of appeals judge, circuit court judge, state senator, state representative to the assembly ~~and~~, district attorney, and member of a technical college district board.

SECTION 2. 5.58 (2s) of the statutes is created to read:

5.58 **(2s)** TECHNICAL COLLEGE DISTRICT BOARD. When required, there shall be a separate ballot for member of a technical college district board. Arrangement of the names on the ballot shall be determined by the elections board under s. 5.60 (1) (b). The ballot shall be titled "Official Primary Ballot for .... (name of district) Technical College District Board."

SECTION 3. 5.58 (3) of the statutes is amended to read:

5.58 **(3)** NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent, for any judicial office, for any elected seat on a metropolitan sewerage commission or town sanitary district commission, for member of a technical college district board from any election district, in counties having a population of 500,000 or more only 2 candidates for member of the board of supervisors within each district, in counties

having a population of less than 500,000 only 2 candidates for each member of the county board of supervisors from each district or numbered seat or only 4 candidates for each 2 members of the county board of supervisors from each district whenever 2 supervisors are elected to unnumbered seats from the same district, in 1st class cities only 2 candidates for any at–large seat and only 2 candidates from any election district to be elected to the board of school directors, in school districts electing school board members to numbered seats, or pursuant to an apportionment plan or district representation plan, only 2 school board candidates for each numbered seat or within each district, and twice as many candidates as are to be elected members of other school boards or other elective officers receiving the highest number of votes at the primary shall be nominees for the office at the spring election. Only their names shall appear on the official spring ballot.

SECTION 4. 5.60 (1) (title) of the statutes is amended to read:

5.60 **(1)** (title) ~~STATE SUPERINTENDENT~~ NONPARTISAN STATE OFFICERS; JUDICIARY; COUNTY EXECUTIVE AND COUNTY ~~SUPERVISORS~~ SUPERVISOR.

SECTION 5. 5.60 (1) (am) of the statutes is created to read:

5.60 **(1)** (am) There shall be a separate ballot for the seat of each member of the technical college district board in the election district when so required. The elections board shall determine the official ballot arrangement for technical college district board candidates by using the same method as that used under par. (b).

SECTION 6. 5.60 (1) (b) of the statutes is amended to read:

5.60 **(1)** (b) The board shall certify the candidates' names and designate the official ballot arrangement for candidates for state superintendent, justice, court of appeals judge, member of a technical college district board, circuit judge and, if commissioners are elected under s. 200.09 (11) (am), the metropolitan sewerage

commission. The arrangement of names of all candidates on the ballot whose nomination papers are filed with the board shall be determined by the board by the drawing of lots not later than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all candidates for that office shall be held by or under the supervision of the board not later than the 3rd day following the completion of the primary canvass to determine the arrangement of candidates on the election ballot.

SECTION 7. 7.60 (4) (a) and (5) (a) of the statutes are amended to read:

7.60 **(4)** (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; <u>members of the technical college district boards;</u> circuit judges; district attorneys; and metropolitan sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected under s. 755.01 (4) serves a municipality that is located partially within the county and candidates for that judgeship file nomination papers in another county, the board of canvassers shall prepare a duplicate statement showing the numbers of votes cast for that judgeship in that county for transmittal to the other county. For partisan candidates, the statements shall include the political party or principle designation, if any, next to the name of each candidate. The board of canvassers shall also prepare a statement showing the results of any county, technical college district or statewide referendum. Each statement shall state the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; and the number of votes cast for and against any question submitted at a referendum. The board of canvassers

shall use one copy of each duplicate statement to report to the elections board, technical college district board or board of canvassers of any other county and shall file the other statement in the office of the county clerk or board of election commissioners.

(5) (a) Immediately following the canvass, the county clerk shall deliver or send to the elections board, by 1st class mail, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge, members of the technical college district boards, circuit judge, district attorney, and metropolitan sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on forms prescribed by the elections board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the elections board no later than 7 days after each primary and no later than 10 days after any other election. The board of canvassers shall deliver or transmit a certified copy of each statement for any technical college district referendum to the secretary of the technical college district board.

SECTION 8. 7.70 (3) (d) of the statutes is amended to read:

7.70 **(3)** (d) When the certified statements and returns are received, the chairperson of the board or the chairperson's designee shall proceed to examine and make a statement of the total number of votes cast at any election for the offices

involved in the election for president and vice president; a statement for each of the offices of governor, lieutenant governor, if a primary, and a joint statement for the offices of governor and lieutenant governor, if a general election; a statement for each of the offices of secretary of state, state treasurer, attorney general, and state superintendent; for U.S. senator; representative in congress for each congressional district; the state legislature; justice; court of appeals judge; technical college district board member; circuit judge; district attorney; metropolitan sewerage commission, if the commissioners are elected under s. 200.09 (11) (am); and for any referenda questions submitted by the legislature.

SECTION 9. 7.70 (6) of the statutes is created to read:

7.70 **(6)** TECHNICAL COLLEGE DISTRICT BOARD MEMBERS; DETERMINATIONS. The elections board shall transmit to the secretary of the district board a copy of the certified determination of the chairperson of the elections board or his or her designee for the election of each member of any technical college district board.

SECTION 10. 8.10 (3) (ae) of the statutes is created to read:

8.10 **(3)** (ae) For the office of member of the technical college district board from any election district, not less than 200 nor more than 400 electors.

SECTION 11. 8.11 (6) of the statutes is created to read:

8.11 **(6)** TECHNICAL COLLEGE DISTRICT BOARD MEMBERS. A primary shall be held in an election for any seat on a technical college district board whenever there are more than 2 candidates in any election district.

SECTION 12. 9.10 (1) (a) of the statutes is amended to read:

9.10 **(1)** (a) The qualified electors of the state, of any county, city, village, town, of any congressional, legislative, judicial, technical college, or school district, or of any prosecutorial unit may petition for the recall of any incumbent elective official

by filing a petition with the same official or agency with whom nomination papers or declarations of candidacy for the office are filed demanding the recall of the officeholder.

SECTION 13. 9.10 (2) (b) of the statutes is amended to read:

9.10 **(2)** (b) A recall petition for a city, village, town, technical college district, or school district office shall contain a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought.

SECTION 14. 9.10 (3) (a) of the statutes is amended to read:

9.10 **(3)** (a) This subsection applies to the recall of all elective officials other than city, village, town, technical college district, and school district officials. City, village, town, technical college district, and school district officials are recalled under sub. (4).

SECTION 15. 9.10 (4) (a), (d) and (7) of the statutes are amended to read:

9.10 **(4)** (a) Within 10 days after a petition for the recall of a city, village, town, technical college district, or school district official, is offered for filing, the officer against whom the petition is filed may file a written challenge with the ~~municipal clerk or board of election commissioners or school district clerk~~ official or agency with whom it is filed, specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal to the challenge with the ~~clerk or board of election commissioners~~ official or agency within 5 days after the challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed may file a reply to any new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency shall file the certificate or an amended certificate. Within 31 days after the petition is offered for filing, the

~~clerk or board of election commissioners~~ official or agency shall determine by careful examination of the face of the petition whether the petition is sufficient and shall so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the ~~clerk or board of election commissioners~~ official or agency shall again carefully examine the face of the petition to determine sufficiency and shall attach to the petition a certificate stating the findings. Immediately upon finding an original or amended petition sufficient, except in cities over 500,000 population and in technical college districts, the ~~municipal clerk or school district clerk~~ official shall transmit the petition to the governing body or to the school board. Immediately upon finding an original or amended petition sufficient, in cities over 500,000 population, the board of election commissioners shall file the petition in its office. Immediately upon finding an original or amended petition sufficient, in technical college districts, the elections board shall file the petition in its office.

(d) Promptly upon receipt of a certificate under par. (a), the governing body, school board, ~~or~~ board of election commissioners, or elections board shall call a recall election. The recall election shall be held on the Tuesday of the 6th week commencing after the date on which the certificate is filed, except that if Tuesday is a legal holiday the recall election shall be held on the first day after Tuesday which is not a legal holiday.

(7) PURPOSE. The purpose of this section is to facilitate the operation of article XIII, section 12, of the constitution and to extend the same rights to electors of cities, villages, towns, technical college districts, and school districts.

1 **SECTION 16.** 11.26 (1) (c) of the statutes is amended to read:

2 11.26 **(1)** (c) Candidates for representative to the assembly <u>or member of a</u>
3 <u>technical college district board</u>, $500.

4 **SECTION 17.** 11.26 (2) (c) of the statutes is amended to read:

5 11.26 **(2)** (c) Candidates for representative to the assembly <u>or member of a</u>
6 <u>technical college district board</u>, $500.

7 **SECTION 18.** 11.31 (1) (f) of the statutes, as affected by 2005 Wisconsin Act 177,
8 is amended to read:

9 11.31 **(1)** (f) Candidates for representative to the assembly <u>or member of a</u>
10 <u>technical college district board</u>, $17,250 total in the primary and election, with
11 disbursements not exceeding $10,775 for either the primary or the election.

12 **SECTION 19.** 11.31 (1) (g) (intro.) of the statutes is amended to read:

13 11.31 **(1)** (g) (intro.) In any jurisdiction or district, other than a <u>technical college</u>
14 <u>district or</u> judicial district or circuit, with a population of 500,000 or more according
15 to the most recent federal census covering the entire jurisdiction or district:

16 **SECTION 20.** 17.01 (10m) of the statutes is created to read:

17 17.01 **(10m)** By a member of a technical college district board, to the secretary
18 of the district board.

19 **SECTION 21.** 17.02 (2) of the statutes is created to read:

20 17.02 **(2)** TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation of a member
21 of a technical college district board, by the secretary of the district board to the
22 elections board.

23 **SECTION 22.** 17.17 (2) of the statutes is created to read:

1 17.17 **(2)** TECHNICAL COLLEGE DISTRICT BOARD. In the office of member of a
2 technical college district board, by the secretary of the district board to the elections
3 board.

4 **SECTION 23.** 17.27 (3) of the statutes is repealed and recreated to read:

5 17.27 **(3)** TECHNICAL COLLEGE DISTRICT BOARD. Except as provided in s. 9.10, a
6 vacancy in the office of member of a technical college district board may be filled by
7 temporary appointment of the remaining members of the district board. The
8 temporary appointee shall serve until a successor is elected and qualifies. If the
9 vacancy occurs in any year after the first Tuesday in April and on or before December
10 1, the vacancy shall be filled for the residue of the unexpired term, if any, at the
11 succeeding spring election. If the vacancy occurs in any year after December 1 or on
12 or before the first Tuesday in April, the vacancy shall be filled for the residue of the
13 unexpired term, if any, at the 2nd succeeding spring election.

14 **SECTION 24.** 38.04 (15) of the statutes is repealed.

15 **SECTION 25.** 38.06 (6) of the statutes is created to read:

16 38.06 **(6)** Promptly upon issuance of a reorganization order by the board, the
17 director of the board shall transmit a copy of the order to the elections board.

18 **SECTION 26.** 38.08 (1) (a) of the statutes is repealed and recreated to read:

19 38.08 **(1)** (a) A district board shall administer the district and shall be composed
20 of 9 members who are residents of the district. The members shall be elected to
21 represent numbered election districts within each technical college district by the
22 electors of each election district at the spring election. Each member of the district
23 board shall be an elector of the numbered election district within the technical college
24 district for which he or she seeks office.

25 **SECTION 27.** 38.08 (1) (b) of the statutes is amended to read:

38.08 **(1)** (b) District board members shall take office on July 1 and shall serve ~~staggered 3–year~~ 4–year terms.

SECTION 28. 38.08 (1) (c) of the statutes is created to read:

38.08 **(1)** (c) Promptly upon receipt of the determinations of the elections board under s. 7.70 (6) and upon appointment of any person to fill a temporary vacancy on the district board, the secretary of the district board shall send written notification of the name and address of each member and expiration date of each member's term to the director of the board.

SECTION 29. 38.08 (1g), (2) and (2m) of the statutes are repealed.

SECTION 30. 38.08 (6) of the statutes is created to read:

38.08 **(6)** (a) Within 90 days after the population count by block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state or within 90 days after alteration of the boundaries of an existing district, the district board of each existing district shall apportion and prescribe the boundaries of 9 numbered election districts within the district, to be as nearly equal in population as possible. Within 90 days after the creation of any new district, the board shall similarly apportion and prescribe the boundaries of 9 numbered election districts within that district. Alterations in election districts resulting from boundary changes to existing districts may be made only to the extent required to facilitate the change. Insofar as possible, each election district shall be compact and observe the community of interest of existing neighborhoods. A detailed map and description of each election district prescribed by a district board shall be prepared and transmitted by the district board to the director of the board.

(b) All proposed district boundaries established by a district board under par. (a) shall become effective only upon their approval by the board. If the board disapproves the proposed boundaries, the district board shall submit a revised districting plan for approval of the board. Upon approval of the election district boundaries within any district, the board shall promulgate the boundaries established under par. (a) as a rule under ch. 227. The boundaries shall become effective on the effective date of the rule.

SECTION 31. 38.10 of the statutes is repealed.

SECTION 32. 38.12 (5m) of the statutes is renumbered 38.12 (5m) (a) and amended to read:

38.12 **(5m)** (a) The district board shall prepare its annual budget in compliance with rules promulgated by the board under s. 38.04 (11) (a). ~~The~~ Immediately upon receiving approval of its budget by the county board chairpersons under par. (b), the district board shall submit ~~an approved~~ a copy of ~~its~~ the approved budget to the board ~~by July 1 of each year and~~. The district board shall report any subsequent budget modification to the board within 30 days of approval of the modification by the district board, except that if the modification is substantial, the district board shall report it to the board within 30 days of approval of the modification by the county board chairpersons under par. (c).

SECTION 33. 38.12 (5m) (b) of the statutes is created to read:

38.12 **(5m)** (b) After the public hearing on the district board's proposed budget under s. 65.90 (4), the district board shall submit the proposed budget to the county board chairpersons of all counties having territory within the district. The district board may not implement the budget unless the county board chairpersons meet and approve the budget by majority vote of a quorum. A majority of the county board

chairpersons constitutes a quorum. The budget in effect in the current fiscal year continues in effect in the new fiscal year until the county board chairpersons approve the district board's proposed budget for the new fiscal year.

SECTION 34. 38.12 (5m) (c) of the statutes is created to read:

38.12 **(5m)** (c) 1. If the district board proposes a substantial modification to its budget after the county board chairpersons have approved the budget, it shall immediately notify the county board chairpersons of all counties having territory within the district. Within 10 days of the date of the notice, each county board chairperson shall notify the district board, in writing, whether he or she approves the modification.

2. The district board may not implement the modification unless one of the following occurs:

a. Within 10 days of the date of the district board's notice, a majority of the county board chairpersons notify the district board, in writing, that they approve the modification.

b. The district board does not receive written responses from a majority of the county board chairpersons within 10 days of the date of the district board's notice.

SECTION 35. 65.90 (5) (a) of the statutes is amended to read:

65.90 **(5)** (a) Except as provided in ~~par.~~ pars. (b) and (c) and except for alterations made pursuant to a hearing under sub. (4), the amount of tax to be levied or certified, the amounts of the various appropriations and the purposes for such appropriations stated in a budget required under sub. (1) may not be changed unless authorized by a vote of two–thirds of the entire membership of the governing body of the municipality. Any municipality, except a town, which makes changes under this paragraph shall publish a class 1 notice thereof, under ch. 985, within 10 days

after any change is made. Failure to give notice shall preclude any changes in the proposed budget and alterations thereto made under sub. (4).

SECTION 36. 65.90 (5) (c) of the statutes is created to read:

65.90 **(5)** (c) A technical college district board may change the amounts of various appropriations and their purposes stated in a budget required under sub. (1) after the hearing under sub. (4) in order to obtain approval of the budget by county board chairpersons under s. 38.12 (5m) (b).

SECTION 37. Nonstatutory provisions.

(1) ELECTION OF INITIAL DISTRICT BOARDS. Notwithstanding section 38.08 (6) of the statutes, as created by this act, within 60 days after the effective date of this subsection, the appointment committee of each technical college district shall adopt and transmit to the secretary of each technical college district board and the director of the state technical college system board an initial districting plan for election districts as required by section 38.08 (6) of the statutes, as created by this act. The state technical college system board shall review and determine its approval or disapproval of each plan as promptly as possible. If a plan is rejected, the appointment committee shall submit a new plan for approval. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the state technical college system board may promulgate the plan as an emergency rule under section 227.24 of the statutes without providing evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare, and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (c) of the statutes, an emergency rule promulgated under this subsection applies until a rule replacing that rule takes effect or until the actions specified in section 227.24 (1) (d)

of the statutes occur, whichever is sooner. Notwithstanding section 227.19 (4) to (6) of the statutes, the rule replacing a valid emergency rule adopted under this subsection may not contain any substantive change from the emergency rule.

(2) TRANSITIONAL TERMS. Notwithstanding chapter 269, laws of 1981, section 22, and section 38.08 (1) (b) of the statutes, as affected by this act, the members of each technical college district board who hold office on the effective date of this subsection shall cease to hold office on July 1, 2007. At the 2007 spring election, 9 members shall be elected to each technical college district board for terms commencing on July 1, 2007. The persons elected to represent election districts numbered 1 and 2 at that election shall serve for terms of one year, the persons elected to represent election districts numbered 3 and 4 at that election shall serve for terms of 2 years, the persons elected to represent election districts numbered 5 and 6 at that election shall serve for terms of 3 years, and the persons elected to represent election districts numbered 7, 8, and 9 at that election shall serve for terms of 4 years.

(3) VACANCIES. Notwithstanding section 38.10, 2003 stats., the appointment committee of each technical college district shall not make any appointment to a technical college district board for the purpose of filling a vacancy resulting from expiration of a term of office after the effective date of this subsection.

SECTION 38. Initial applicability.

(1) The treatment of section 65.90 (5) (a) and (c) of the statutes, the renumbering and amendment of section 38.12 (5m) of the statutes, and the creation of section 38.12 (5m) (b) and (c) of the statutes first apply to the formulation of a technical college district's budget for the 2007–08 fiscal year.

SECTION 39. Effective dates. This act takes effect on August 1, 2006, except as follows:

1 (1) The treatment of sections 17.01 (10m), 17.02 (2), 17.17 (2), 17.27 (3), 38.04
2 (15), 38.08 (1) (a), (b), and (c), (1g), (2), and (2m), 38.08 (6), and 38.10 of the statutes
3 takes effect on July 1, 2007.

4 **(END)**